FEDERAL REGISTER

VOLUME 19 NUMBER 55

Washington, Saturday, March 20, 1954

TITLE 3—THE PRESIDENT

PROCLAMATION 3045

CHILD HEALTH DAY, 1954

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Congress, by joint resolution of May 18, 1928 (45 Stat. 617), authorized and requested the President of the United States to issue annually a proclamation setting apart May 1 as Child Health Day; and

WHEREAS children are our Nation's richest resource and our most welcome responsibility; and

WHEREAS home life that is satisfying physically, emotionally, and spiritually is essential to the development of healthy personality in children; and

WHEREAS Child Health Day is a suitable occasion for emphasizing the fundamental importance to our Nation of wholesome family life:

NOW THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate the first day of May, 1954, as Child Health Day; and I urge all families to make this a day when parents and children join in family activity of work or play that will strengthen and enrich the union between them. I also invite all organizations and groups interested in child welfare to unite upon that day in observances designed to enhance family ties throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 17th day of March in the year of our Lord nineteen hundred and [SEAL] fifty-four, and of the Independence of the United States of America the one hundred and seventy-eighth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
Secretary of State.

[F. R. Doc. 54-2040; Filed, Mar. 18, 1954; 3:29 p. m.]

TITLE 7—AGRICULTURE

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 23]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.323 *Navel Orange Regulation 23*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on March 18, 1954, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recom-

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

mendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., March 21, 1954, and ending at 12:01 a. m., P. s. t., March 28, 1954, is hereby fixed as follows:

(i) District 1. Unlimited movement;

(ii) District 2: 404,250 boxes;

(iii) District 3: Unlimited movement;

(iv) District 4. Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(4) As used in this section, "handled," "handler," "boxes," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 19th day of March 1954.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Mar. 21 to 12:01 a. m., P. s. t., Mar. 28, 1954]

NAVEL ORANGES

PRORATE DISTRICT NO. 2

Handler	Prorate base (percent)
Total	100.0000
A. N. F. Corona	.4972
A. N. F. Fullerton	.0000
A. N. F. Orange	.0000
A. N. F. Riverside	1.4320
A. N. F. Santa Paula	.1150
Eadington Fruit Co.	.3694
Signal Fruit Association	1.1413
Bryn Mawr Mutual Orange Association	.4380
Chula Vista Mutual Lemon Association	.0982
Euclid Avenue Orange Association	2.2261
Foothill Citrus Union, Inc.	.0807
Index Mutual Association	.0000
La Verne Cooperative Citrus Association	2.3490
Olive Hillside Groves, Inc.	.0000
Redlands Foothill Groves	3.2065
Redlands Mutual Orange Association	1.4827
Ventura County Fruit Growers, Inc.	.3636
Azusa Citrus Association	.6768
Covina Citrus Association	2.0842
Glendora Citrus Association	1.0432
Valencia Heights Orchards Association	.0865
Gold Buckle Association	4.2531
La Verne Orange Association	4.0796
Anaheim Valley Orange Association	.0000
Fullerton Mutual Orange Association	.0000
La Habra Citrus Association	.0000
Yorba Linda Citrus Association	.0000
El Cajon Valley Citrus Association	.0000
Escondido Orange Association	.0000
Citrus Fruit Growers	.4750
Cucamonga Mesa Growers	.8118
Etiwanda Citrus Fruit Association	.1443
Upland Citrus Association	2.7327
Consolidated Orange Growers	.0000
Garden Grove Citrus Association	.0000
Goldenwest Citrus Association	.0000
Olive Heights Citrus Association	.0000
Santiago Orange Growers Association	.1173
Villa Park Orchards Association	.0000
Bradford Bros., Inc.	.0000
Placentia Mutual Orange Association	.0000
Placentia Orange Growers Association	.0000
Yorba Orange Growers Association	.0527
Corona Citrus Association	1.5106
Jameson Co.	.0299
Orange Heights Orange Association	4.8897
Crafton Orange Growers Association	1.5873
East Highlands Citrus Association	.5159
Redlands Heights Groves	.9915
Redlands Orangedale Association	1.2947
Rialto-Fontana Citrus Association	.2065
Bryn Mawr Fruit Growers Association	1.2718
Mission Citrus Association	.8773
Redlands Cooperative Fruit Association	2.2575
Redlands Orange Growers Association	1.0289
Redlands Select Groves	.5859
Rialto Orange Co.	.0420
Southern Citrus Growers	1.0806
United Citrus Growers	.0090
Arlington Heights Citrus Co.	1.8960
Blue Banner, Inc.	3.1615
Brown Estate, L. V. W.	2.5166
Gavilan Citrus Association	2.3445
McDermont Fruit Co.	1.8220
Monte Vista Citrus Association	1.6760

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

Handler	Prorate base (percent)
National Orange Co.	1.8367
Riverside-Highgrove Citrus Association	2.1851
Victoria Ave. Citrus Association	3.7063
Claremont Citrus Association	.6119
College Heights Orange & Lemon Association	2.0622
Indian Hill Citrus Association	1.1909
Pomona Fruit Growers Exchange	1.0170
Walnut Fruit Growers Association	.7033
West Ontario Citrus Association	.7718
Escondido Cooperative Citrus Association	.0000
Camarillo Citrus Association	.0353
Fillmore Citrus Association	1.1138
Mupu Citrus Association	.0355
Ojai Orange Association	1.1823
Piru Citrus Association	1.5536
Rancho Sespe	.0016
San Fernando Heights Orange Association	.7032
Santa Paula Orange Association	.0550
Tapo Citrus Association	.0162
Ventura County Citrus Association	.0224
East Whittier Citrus Association	.0032
North Whittier Heights	.0329
Sierra Madre-Lamanda Citrus Association	.0432
A. J. Packing Co.	.1487
Babijuice Corp. of California	.0000
Cherokee Citrus Co., Inc.	.9357
Dunning, Vera Hueck	.1822
Evans Brothers Packing Co.	.7376
Far West Produce Distributors	.1842
Gold Banner Association	2.7226
Gold Seal Produce, Inc.	.1775
Granada Packing House	.0048
Holland, M. J.	.0274
Orange Belt Fruit Distributors	.7655
Panno Fruit Co., Carlo	.0000
Paramount Citrus Association	.2303
Prescott, John A.	.0045
Riverside Fruit Co.	.2946
Rotolo Brothers	.0227
San Antonio Orchards Co.	1.2627
Smallwood, Leulla L.	.0091
Spire, Frank S.	.0033
Stephens & Cain	.1887
Torn Ranch	.0319
Wall, E. T., Grower-Shipper	2.6044
Western Fruit Growers, Inc.	4.8915

[F. R. Doc. 54-2061; Filed, Mar. 19, 1954; 11:35 a. m.]

[Lemon Reg. 529]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.636 *Lemon Regulation 529*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on March 17, 1954, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., March 21, 1954, and ending at 12:01 a. m., P. s. t., March 28, 1954, is hereby fixed as follows:

(i) District 1. Unlimited movement;

(ii) District 2: 275 carloads;

(iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is set forth below and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2," and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 18th day of March 1954.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable Division, Agricultural Marketing Service.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

[Storage date: Mar. 14, 1954]

[12:01 a. m. Mar. 21, 1954, to 12:01 a. m. Apr. 4, 1954]

Handler	*Prorate base (percent)*
Total	100.000
American National Foods, Inc., Corona	.760
American National Foods, Inc., Fullerton	.951
American National Foods, Inc., Upland	1.046
Buenaventura Lemon Co	.715
Consolidated Lemon Co	1.878
Ventura Pacific Co	2.035
Chula Vista Mutual Lemon Association	.628
Euclid Lemon Association	1.604
Index Mutual Association	.429
La Verne Cooperative Citrus Association	2.461
Ventura Coastal Lemon Co	.965
Ventura Processors	1.677
Glendora Lemon Growers Association	2.345
La Verne Lemon Association	.979
La Habra Citrus Association	1.330
Yorba Linda Citrus Association	.687
Escondido Lemon Association	3.950
Cucamonga Mesa Growers	2.412
Etiwanda Citrus Fruit Association	1.097
San Dimas Lemon Association	1.696
Upland Lemon Growers Association	8.712
Central Lemon Association	.932
Irvine Citrus Association, The	.726
Placentia Mutual Orange Association	1.658
Corona Citrus Association	.506
Corona Foothill Lemon Co	3.270
Jameson Co	1.316
Arlington Heights Citrus Co	2.106
College Heights Orange & Lemon Association	3.779
Chula Vista Citrus Association, The	.781
Escondido Cooperative Citrus Association	.224
Fallbrook Citrus Association	2.254
Lemon Grove Association	.467
Carpinteria Lemon Association	1.760
Carpinteria Mutual Citrus Association	1.924
Goleta Lemon Association	2.456
Johnston Fruit Co	4.030
Briggs Lemon Association	1.201
Fillmore Lemon Association	1.659
Oxnard Citrus Association	3.743
Rancho Sespe	.930
San Fernando Heights Lemon Association	3.854
Santa Clara Lemon Association	3.105
Santa Paula Citrus Fruit Association	2.729
Saticoy Lemon Association	1.845
Seaboard Lemon Association	2.843
Somis Lemon Association	2.880
Ventura Citrus Association	.691
Ventura County Citrus Association	.159
Limoneira Company	1.140
Teague-McKevett Association	.880
East Whittier Citrus Association	.460
Murphy Ranch Co	1.073
North Whittier Heights Citrus Association	.828
Sierra Madre-Lamanda Citrus Association	.909
Far West Produce Distributors	.058
Paramount Citrus Association, Inc.	2.367
Santa Rosa Lemon Co	.100

[F. R. Doc. 54-2042; Filed, Mar. 19, 1954; 8:56 a. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 18]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

[Supp. 21]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

OPERATIONAL USE OF WEATHER REPORTS FOR INSTRUMENT APPROACH, LANDING, OR TAKE-OFF

These rules prescribe the operational use of hourly sequence weather reports, including end-of-runway weather reports, in executing an instrument approach, landing, or take-off. The proposed rules were published on October 13, 1953, in 18 F. R. 6509; interested persons were afforded an opportunity to submit data, views, or arguments; and consideration has been given to all relevant matter presented. The following rules are hereby adopted:

§ 41.119–2 *Take-off and landing weather minimums (CAA rules which apply to §§ 41.96 and 41.119)* (a) Whenever the latest weather report, furnished by the U. S. Weather Bureau or a source approved by the Weather Bureau contains a visibility value specified as a runway visibility for a particular runway of an airport, such visibility shall be used for straight-in instrument approach and landing or take-off for that runway only. The terminal visibility as reported in the main body of such weather report shall be used for instrument approach and landing or take-off for all other runways.

(b) The ceiling value reported in the main body of such weather report shall constitute the ceiling for both circling and straight-in instrument approach and landing or take-off for all runways.

§ 42.56–2 *Take-off and landing weather minimums (CAA rules which apply to §§ 42.55 and 42.56)* See § 41.119–2 of this subchapter.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective April 1, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-1987; Filed, Mar. 19, 1954; 8:45 a. m.]

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 72]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

OPERATIONAL USE OF WEATHER REPORTS FOR INSTRUMENT APPROACH, LANDING, OR TAKE-OFF

These rules prescribe the operational use of hourly sequence weather reports,

including end-of-runway weather reports, in executing an instrument approach, landing, or take-off. The proposed rules were published on October 13, 1953, in 18 F R. 6509, interested persons were afforded an opportunity to submit data, views, or arguments; and consideration has been given to all relevant matter presented. The following rules are hereby adopted:

§ 609.3 *Introduction.* * * *

(j) *Take-off and landing weather minimums.* (1) Whenever the latest weather report, furnished by the U. S. Weather Bureau or a source approved by the Weather Bureau, contains a visibility value specified as a runway visibility for a particular runway of an airport, such visibility shall be used for straight-in instrument approach and landing or take-off for that runway only. The terminal visibility as reported in the main body of such weather report shall be used for instrument approach and landing or take-off for all other runways.

(2) The ceiling value reported in the main body of such weather report shall constitute the ceiling for both circling and straight-in instrument approach and landing or take-off for all runways.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective April 1, 1954.

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 54-1988; Filed, Mar. 19, 1954; 8:46 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 6096]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

HAIR & SCALP CLINIC, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections:* Personnel or staff; qualifications and abilities; § 3.90 *History of product or offering;* § 3.170 *Qualities or properties of product or service.* In connection with the offering for sale or sale of treatments of the hair and scalp in which certain cosmetic and medicinal preparations are used, namely, preparations referred to and designated by respondents as "Dioxynol" by various numbers and otherwise, such as "#26" "#57" "Spec. #99" "A-1" etc., and as "Special Formula Shampoo" "Hydrosol" (a detergent), and "Sebol" (a hair dressing oil) or in connection with the offering for sale, sale, or distribution of such cosmetic and medicinal preparations, for use in the treatment of conditions of the hair and scalp, or any other preparations of substantially similar composition or possessing substantially similar properties, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase of said preparations in commerce, which advertisements represent, directly or by implication: (a) That treatments of the hair or scalp by respondents or their employees, in which such various cosmetic and medicinal preparations are used, or in which any other preparations of substantially similar composition or possessing substantially similar properties are used, or that the use of said preparations by purchasers in their homes, will: (1) Have any effect in preventing or overcoming baldness or loss of hair; (2) cause the hair to take on new life; (3) induce the growth of new hair or stunted hair; (4) cause the permanent elimination of itching of the scalp, dandruff, dryness, or oiliness of the scalp, or prevent or cure other scalp disorders; (b) that respondents' formulas or preparations or any of them are new or the result of new discoveries; (c) that respondents or any of their employees have had competent training in dermatology or other branches of medicine pertaining to diagnosis or treatment of scalp disorders affecting the hair, or that respondents or any of their employees are trichologists; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Hair & Scalp Clinic, Inc., Washington, D. C., Docket 6096, Feb. 21, 1954]

In the Matter of Hair & Scalp Clinic, Inc., a Corporation, Ray W Plasterer and Virginia E. Plasterer, Individually and as Officers of Said Corporation

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, respondents' answer, and a stipulation whereby it was stipulated and agreed that a statement of facts executed by counsel supporting the complaint and counsel for respondents might be taken as the facts in the proceeding and in lieu of evidence in support of and in opposition to the charges stated in the complaint, and that the examiner might proceed upon such statement of facts to make his initial decision, stating his findings as to the facts, including inferences which he might draw from the stipulated facts, and his conclusion based thereon and enter his order disposing of the proceedings without the filing of proposed findings and conclusions, respondents, however, reserving the right to present oral argument.

It was further stipulated that if the proceeding should come before the Commission upon appeal from the initial decision of the examiner or by review upon the Commission's own motion, the Commission might, if it so desires, set aside the stipulation and remand the case to the hearing examiner for further hearings under the complaint, and thereafter a hearing was held before said examiner, theretofore duly designated by the Commission, at which counsel were heard in oral argument and certain documentary evidence was made a part of the record.

Subsequently the proceeding regularly came on for final consideration by said examiner upon the complaint, answer, stipulation, which had been approved by said examiner, documentary evidence and oral argument of counsel, and the examiner, having duly considered the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order to cease and desist.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order to cease and desist, accordingly, under the provisions of said Rule XXII became the decision of the Commission on February 21, 1954.

Said order to cease and desist is as follows:

It is ordered, That the respondents, Hair & Scalp Clinic, Inc., a corporation, and its officers, and Ray W. Plasterer and Virginia E. Plasterer, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale or sale of treatments of the hair and scalp in which the various cosmetic and medicinal preparations set out in the findings herein are used; or in connection with the offering for sale, sale or distribution of the various cosmetic and medicinal preparations set out in the findings herein, for use in the treatment of conditions of the hair and scalp, or any other preparations of substantially similar composition or possessing substantially similar properties, do forthwith cease and desist from:

I. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That treatments of the hair or scalp by respondents or their employees, in which the various cosmetic and medicinal preparations set forth in the findings are used, or in which any other preparations of substantially similar composition or possessing substantially similar properties are used, or that the use of said preparations by purchasers in their homes, will:

(1) Have any effect in preventing or overcoming baldness or loss of hair.

(2) Cause the hair to take on new life.

(3) Induce the growth of new hair or stunted hair.

(4) Cause the permanent elimination of itching of the scalp, dandruff, dryness, or oiliness of the scalp, or prevent or cure other scalp disorders.

(b) That respondent's formulas or preparations or any of them are new or the result of new discoveries.

(c) That respondents or any of their employees have had competent training in dermatology or other branches of medicine pertaining to diagnosis or treatment of scalp disorders affecting the

[1] Filed as part of the original document.

hair, or that respondents or any of their employees are trichologists.

II. Disseminating or causing to be disseminated by any means any advertisement for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparations in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any representation prohibited in Paragraph I hereof.

By "Decision of the Commission and Order to File Report of Compliance," Docket 6096, February 19, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 19, 1954.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr., *Secretary.*

[F. R. Doc. 54-2021; Filed, Mar. 19, 1954; 8:52 a. m.]

[Docket 6131]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

LACY'S, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections:* Organization and operation; § 3.55 *Demand, business or other opportunities;* § 3.200 *Sample, offer or order conformance;* § 3.205 *Scientific or other relevant facts.* Subpart—*Offering unfair improper and deceptive inducements to purchase or deal.* § 3.2015 *Opportunities in product or service;* § 3.2060 *Sample, offer or order conformance;* § 3.2063 *Scientific or other relevant facts.* In connection with the offering for sale, or distribution in commerce, of electrical appliances, including home freezers and television sets: (1) Representing, through the use of such terms as "Lacy's Family Food Plan" or in any other manner, that respondents are engaged in the operation of a plan for the purchasing of food; (2) representing, directly or by implication, that participants in such plan can eliminate the retailer or buy at wholesale prices or from a wholesaler; (3) representing, directly or by implication, that over-all monetary savings may be effected through the general use of frozen foods in place of corresponding foods in other forms; (4) representing, directly or by implication, that any stated over-all monetary saving can be effected through participation in such plan unless, in immediate connection therewith, the amount of the expenditure for foods available through such plan which is necessary to effect such saving is disclosed; (5) misrepresenting the difference between the price of foods available under the plan and the price of such foods in usual retail channels, or the percentage of food costs which can be saved by participation in such plan; (6) representing that net monetary savings, however expressed, can be effected by the use of freezers purchased from respondents, unless the costs of operation, maintenance and depreciation and, in the event that the freezer is purchased on credit, the costs of such credit, are taken into account; and (7) representing, directly or by implication, that television sets or other appliances are being offered for sale, when such offer is not a genuine and bona fide offer to sell the television sets or other appliances so offered; prohibited.

(Sec. 6, 38 Stat. 722, 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719; 15 U. S. C. 45) [Cease and desist order, Lacy's, Inc., et al., Washington, D. C., Docket 6131, Feb. 26, 1954]

In the Matter of Lacy's, Inc., a Corporation, and William Warsaw, Eugene H. Rietzke (Referred to in the Complaint as Eugene Rietcky) Hyman Goodbinder and Hyman M. Goldstein (Referred to in the Complaint as Herman Goldstein) Individually

This proceeding was heard by William L. Pack, hearing examiner, upon the complaint of the Commission, the answer of respondents Rietzke and Goldstein, and the default of respondents, Lacy's, Inc., and respondents Warsaw and Goodbinder, who filed no answers to the complaint and entered no appearance at a hearing held by said examiner, theretofore duly designated by the Commission, in accordance with notice given in the complaint.

Thereafter the proceeding regularly came on for consideration by said examiner upon the complaint, the answers of respondents Rietzke and Goldstein, and the default of the other respondents, and said examiner, having duly considered the matter and having found that the proceeding was in the interest of the public, made his initial decision comprising certain findings as to the facts,[1] conclusion drawn therefrom,[1] and order, including order to cease and desist as to respondents, Lacy's, Inc., and respondents Warsaw and Goodbinder, and order of dismissal as to respondents Goldstein and Rietzke.

No appeal having been filed from said initial decision of said hearing examiner, as provided for in Rule XXII, nor any other action taken as thereby provided to prevent said initial decision becoming the decision of the Commission thirty days from service thereof upon the parties, said initial decision, including said order, accordingly under the provisions of said Rule XXII became the decision of the Commission on February 26, 1954.

Said order is as follows:

It is ordered, That respondents, Lacy's, Inc., a corporation, and its officers, and William Warsaw and Hyman Goodbinder, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of electrical appliances, including home freezers and television sets, do forthwith cease and desist from:

1. Representing, through the use of such terms as "Lacy's Family Food Plan" or in any other manner, that they are engaged in the operation of a plan for the purchasing of food.

2. Representing, directly or by implication, that participants in such a plan can eliminate the retailer or buy at wholesale prices or from a wholesaler.

3. Representing, directly or by implication, that over-all monetary savings may be effected through the general use of frozen foods in place of corresponding foods in other forms.

4. Representing, directly or by implication, that any stated over-all monetary saving can be effected through participation in such plan unless, in immediate connection therewith, the amount of the expenditure for foods available through such plan which is necessary to effect such saving is disclosed.

5. Misrepresenting the difference between the price of foods available under the plan and the price of such foods in usual retail channels, or the percentage of food costs which can be saved by participation in such plan.

6. Representing that net monetary savings, however expressed, can be effected by the use of freezers purchased from respondents, unless the costs of operation, maintenance and depreciation and, in the event that the freezer is purchased on credit, the costs of such credit, are taken into account.

7. Representing, directly or by implication, that television sets or other appliances are being offered for sale, when such offer is not a genuine and bona fide offer to sell the television sets or other appliances so offered.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondents Hyman M. Goldstein and Eugene H. Rietzke.

By "Decision of the Commission and Order to File Report of Compliance", Docket 6131, February 26, 1954, which announced and decreed fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondents, Lacy's Inc., a corporation, William Warsaw and Hyman Goodbinder, individually shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: February 26, 1954.

By the Commission.

[SEAL] ALEX. AKERMAN, Jr., *Secretary.*

[F. R. Doc. 54-2020; Filed, Mar. 19, 1954; 8:52 a. m.]

[1] Filed as part of the original document.

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371, 67 Stat. 18) the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR Parts 141a, 141b; 19 F. R. 1141) and certification of batches of antibiotic and antibiotic-containing drugs (21 CFR Parts 146a, 146b, 146e; 18 F. R. 7673; 19 F. R. 672, 674, 1141, 1421) are amended as indicated below:

1a. In § 141a.48, the headnote and paragraph (b) are amended to read:

§ 141a.48 *Dibenzylethylenediamine dipenicillin G oral suspension, dibenzylethylenediamine dipenicillin G for oral suspension.* * * *

(b) *pH.* Proceed as directed in § 141a.5 (b) using the undiluted aqueous suspension or the suspension prepared as directed in the labeling of the drug.

b. Section 141a.48 is further amended by adding the following new paragraph (c)

(c) *Moisture (if it is a dry mixture of the drug)* Proceed as directed in § 141a.26 (e).

2. Part 141a is amended by adding the following new sections:

§ 141a.72 *Dibenzylamine penicillin G (dibenzylamine penicillin G salt)*—(a) *Potency.* Proceed as directed in § 141a.26 (a)

(b) *Sterility.* Proceed as directed in § 141a.2.

(c) *Pyrogens.* Proceed as directed in § 141a.3, except use physiological salt solution as the diluent.

(d) *Toxicity.* Proceed as directed in § 141a.4, except use physiological salt solution as the diluent, and inject 0.25 milliliter of a solution containing 4,000 units per milliliter.

(e) *Moisture.* Proceed as directed in § 141a.26 (e).

(f) *pH.* Proceed as directed in § 141a.5 (b), using a saturated aqueous solution prepared by adding 300 milligrams per milliliter.

(g) *Microscopical test for crystallinity.* Proceed as directed in § 141a.5 (c)

(h) *Penicillin G content.* Proceed as directed in § 141a.26 (h), using the following formula for calculating the percent of dibenzylamine penicillin G:

$$\text{Percent of dibenzylamine penicillin G} = \frac{\text{N-ethyl piperidine penicillin precipitate} \times 245.5}{\text{Weight of sample in milligrams}}$$

§ 141a.73 *Dibenzylamine penicillin and potassium penicillin powder, buffered*—(a) *Total potency.* Proceed as directed in § 141a.1, using 5 milliliters of the preparation, reconstituted as directed in the labeling.

(b) *Potassium penicillin content.* Centrifuge approximately 10 milliliters of the reconstituted preparation to obtain a clear solution and proceed as directed in § 141a.1, using 5 milliliters of the clear solution. The potency of the clear solution is regarded as the potassium penicillin content. The content of potassium penicillin is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(c) *Dibenzylamine penicillin content.* The difference between the total potency as determined by paragraph (a) of this section and the potassium penicillin as determined by paragraph (b) of this section represents the amount of dibenzylamine penicillin present. The content of dibenzylamine penicillin is satisfactory if it is not less than 85 percent of that which it is represented to contain.

(d) *Moisture.* Proceed as directed in § 141a.26 (e).

§ 141a.74 *Dibenzylamine penicillin and streptomycin in oil, dibenzylamine penicillin and dihydrostreptomycin in oil*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141a.27 (a), except the last sentence thereof. Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units per milliliter that it is represented to contain.

(2) *Streptomycin content.* Using 1.0 milliliter as the test sample, proceed as directed in § 141a.35 (a) (2). Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

(3) *Dihydrostreptomycin content.* Using 1.0 milliliter as the test sample, proceed as directed in § 141a.35 (a) (3). Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per milliliter that it is represented to contain.

(b) *Moisture.* Using 1.0 milliliter as the test sample, proceed as directed in § 141a.7 (c)

3. Part 141b is amended by adding the following new section:

§ 141b.125 *Dihydrostreptomycin-streptomycin sulfates with isonicotinic acid hydrazide*—(a) *Total potency*—(1) *Preparation of sample*—(i) *Reagents*—(a) *Benzaldehyde.* Boiling point 75–76° C./16 mm.,

(b) *Acetone.* Reagent grade.

(ii) *Apparatus.* An extraction funnel is prepared by fusing a ground-glass stopper to the top of a medium porosity sintered-glass filter funnel (30-millimeter diameter)

(iii) *Procedure.* The entire sample is quantitatively transferred to the funnel as follows: Pour the dry sample into the funnel. Wash any material remaining in the bottle with three 5.0-milliliter portions of benzaldehyde, placing the washings into the funnel. Stopper the funnel and shake occasionally for 3 minutes. Filter off the benzaldehyde by vacuum. Repeat the shaking with two more 15-milliliter portions of benzaldehyde, discarding all benzaldehyde filtrates. Wash the residue in the funnel with about 10 milliliters of acetone, discarding the acetone filtrate. Dissolve the streptomycin and dihydrostreptomycin in the funnel with about 25 milliliters of water and transfer the solution to a 500-milliliter volumetric flask. Wash the funnel with water and transfer the washings to the volumetric flask. Finally, wash the funnel with water by filtering the water by vacuum and add the filtrate to the volumetric flask. Dilute the sample to 500 milliliters with distilled water, then proceed as directed in § 141b.101 (j), using the dihydrostreptomycin working standard as the standard of comparison. The total potency is satisfactory if it contains not less than 90 percent of the combined number of milligrams of dihydrostreptomycin and streptomycin that it is represented to contain.

(b) *Content of streptomycin sulfate.* Using an aliquot of the solution prepared as directed in paragraph (a) of this section, proceed as directed in § 141b.103 (b) making appropriate dilutions so that the aliquot ultimately used for the colorimetric measurement contains 5.0 milligrams of streptomycin (estimated), and modify the calculations in accordance with the dilutions made. Its content of streptomycin is satisfactory if it contains not less than 45 percent and not more than 55 percent of the total potency as determined under paragraph (a) of this section.

(c) *Isonicotinic acid hydrazide content.* Proceed as directed under § 141b.121 (a) (2).

(d) *Sterility, pyrogens, histamine, moisture, pH.* Using the total potency of the sample for preparing dilutions and weighings, proceed as directed in §§ 141b.102, 141b.104, 141b.105, and 141b.106.

(e) *Toxicity.* Proceed as directed under § 141a.4 of this chapter, using as a test dose 0.5 milliliter of a solution containing 1,000 micrograms of total activity per milliliter.

4a. In § 146a.69, the headnote and paragraph (a) are amended to read:

§ 146a.69 *Dibenzylethylenediamine dipenicillin G oral suspension, dibenzylethylenediamine dipenicillin G for oral suspension*—(a) *Standards of identity,*

strength, quality, and purity. Dibenzylethylenediamine dipenicillin G oral suspension is an aqueous suspension of dibenzylethylenediamine dipenicillin G, and dibenzylethylenediamine dipenicillin G for oral suspension is a dry mixture of dibenzylethylenediamine dipenicillin G; each drug may contain one or more suitable and harmless dispersing agents, buffer substances, and preservatives, with or without one or more suitable sulfonamides and suitable and harmless colorings and flavorings. The potency of the oral suspension and of the suspension prepared as directed in its labeling is not less than 20,000 units per milliliter. Its pH is not less than 6.0 and not more than 7.0. If it is a dry mixture of the drug, its moisture content is not more than 6.0 percent. The dibenzylethylenediamine dipenicillin G used conforms to the requirements of § 146a.68 (a) except subparagraphs (2) (4) and, if it is the oral suspension, (5) of that paragraph. Each other substance used, if its name is recognized in the U. S. P or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (c) (1) (ii) is amended to read:

(c) *Labeling.* * * *

(1) * * *

(ii) The number of units in each milliliter of the batch, if it is the oral suspension, and the number of units in each immediate container, if it is a dry mixture.

c. Paragraph (c) (3) is amended by changing the words " 'Dibenzylethylenediamine dipenicillin G oral suspension, " to read " 'dibenzylethylenediamine dipenicillin G oral suspension or dibenzylethylenediamine dipenicillin G for oral suspension, "

d. In paragraph (d) *Request for certification, samples,* subparagraph (1) is amended by changing the words "the potency per milliliter of the batch," to read "the potency per milliliter if it is a suspension of the drug and the number of units in each immediate container if it is a dry mixture,"

e. Paragraph (d) (2) (i) is amended to read:

(i) The batch; average potency per milliliter if it is the oral suspension, average potency per immediate container if it is a dry mixture, pH, and moisture if it is a dry mixture of the drug.

f. Paragraph (d) (2) (ii) is amended by inserting the words "moisture (if it is used in the preparation of a dry mixture) " between the words "pH" and "crystallinity"

5. Part 146a is amended by adding the following new sections:

§ 146a.94 *Dibenzylamine penicillin G (dibenzylamine penicillin G salt)—* (a) *Standards of identity, strength, quality, and purity.* Dibenzylamine penicillin G is the crystalline dibenzylamine salt of penicillin G. It contains not less than 85 percent by weight of the dibenzylamine salt of penicillin G. Each such drug is so purified and dried that:

(1) Its potency is not less than 975 units per milligram.

(2) It is sterile.

(3) It is nontoxic.

(4) It is nonpyrogenic.

(5) Its moisture content is not more than 4.0 percent.

(6) Its pH in saturated aqueous solution is not less than 5.0 and not more than 7.5.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P., shall be sterile at the time of filling and closing, shall be so sealed that the contents cannot be used without destroying the seal, and shall be of such composition as will not cause any change in the strength, quality or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1 The batch mark.

(2) The weight of the drug and the number of units in the immediate container.

(3) The statement "Expiration date ----------," the blank being filled in with the date which is 18 months after the month during which the batch was certified: *Provided, however* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(4) The statement "For manufacturing use only."

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification, check tests and assays; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the weight of the drug and the number of units in each package, and (unless it was previously submitted) the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency sterility, toxicity, pyrogens, moisture, pH, crystallinity, and the penicillin G content.

(2) Such person shall submit with his request an accurately representative sample of the batch, consisting of the following:

(i) For all tests except sterility 10 packages.

(ii) For sterility test; 10 packages.

Each such package shall contain approximately 300 milligrams taken from different parts of such batch, and each shall be packaged in accordance with the requirements of paragraph (b) of this section.

(3) In connection with contemplated requests for certification of batches of another drug in the manufacture of which dibenzylamine penicillin G is to be used, the manufacturer of a batch that is to be so used may request the Commissioner to make check tests and assays on a sample of such batch, taken as prescribed by subparagraph (2) of this paragraph. From the information required by subparagraph (1) of this paragraph may be omitted results of tests and assays not required for the batch when used in such other drug. The Commissioner shall report to such manufacturer results of such check tests and assays as are so requested.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the samples submitted in accordance with paragraph (d) (2) (i) and (3) of this section.

(2) If the Commissioner considers that investigations other than the examination of such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.95 *Dibenzylamine penicillin and potassium penicillin powder, buffered—*(a) *Standards of identity, strength, quality, and purity.* Dibenzylamine penicillin and potassium penicillin powder, buffered, is a dry mixture of dibenzylamine penicillin G and potassium penicillin G, with or without one or more suitable sulfonamides, and with one or more suitable and harmless buffer substances, colorings, and flavorings. It shall contain not less than 100,000 units of potassium penicillin G for each 200,000 units of dibenzylamine penicillin G. Its moisture content is not more than 1 percent. Its pH is not less than 5.5 and not more than 7.5. The dibenzylamine penicillin G used conforms to the requirements of § 146a.94 (a) except subparagraphs (2) and (4) of that paragraph. The potassium penicillin used conforms to the requirements of § 146a.24 (a) for potassium penicillin, except subparagraphs (2) and (4) of that paragraph. Each other ingredient used, if its name is recognized in the U. S. P or N. F. conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P The composition of the immediate container shall be such as will not cause any change in the strength, quality or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units of dibenzylamine penicillin and the number of units of potassium penicillin in the immediate container.

(iii) If it contains sulfonamides, the name and quantity of each in the immediate container.

(iv) The name of each buffer substance used in making the batch.

(v) The statement "Expiration date ---------," the blank being filled in with the date which is 12 months after the month during which the batch was certified: *Provided, however* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(vi) The statement "Warning—Not for injection."

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man a reference specifically identifying a readily available medical publication containing information (including contraindications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however* That this reference may be omitted if the information is contained in a circular or other labeling within or attached to the package.

(3) On the label and labeling, if it contains sulfonamides, after the name "dibenzylamine penicillin and potassium penicillin powder, buffered," wherever it appears, the words "with sulfonamides," in juxtaposition with such name.

(4) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless they were previously submitted) the dates on which the latest assays of the dibenzylamine penicillin G and the potassium penicillin G used in making the batch were completed, the number of units of dibenzylamine penicillin G and the number of units of potassium penicillin G in each container of the batch, the date on which the latest assay comprising such batch was completed, the quantity of each ingredient used in making the batch, and a statement that each such ingredient conforms to the requirements prescribed therefor by this section.

(2) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch; potency and moisture.

(ii) The dibenzylamine penicillin G used in making the batch; potency, toxicity, moisture, pH, crystallinity, and penicillin G content.

(iii) The potassium penicillin G used in making the batch; potency, toxicity, moisture, pH, penicillin G content, crystallinity, and heat stability.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch; 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 6 or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The dibenzylamine penicillin G used in making the batch; 3 packages, each containing approximately equal portions of not less than 500 milligrams packaged in accordance with the requirements of § 146a.94 (b)

(iii) The potassium penicillin G used in making the batch; 3 packages, each containing approximately equal portions of not less than 250 milligrams packaged in accordance with the requirements of § 146a.24 (b)

(iv) In case of an initial request for certification, each other ingredient used in making the batch; 1 package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) and (iii) of this paragraph, and no sample referred to in subparagraph (3) (ii) and (iii) of this paragraph, is required if such results or samples have been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (ii) (iii), and (iv) of this section.

(2) If the Commissioner considers that investigations other than the examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.96 *Dibenzylamine penicillin and streptomycin in oil, dibenzylamine penicillin and dihydrostreptomycin in oil.* Dibenzylamine penicillin and streptomycin in oil and dibenzylamine penicillin and dihydrostreptomycin in oil conform to all the requirements prescribed by § 146a.57 for procaine penicillin and streptomycin in oil and procaine penicillin and dihydrostreptomycin in oil and are subject to all procedures prescribed by § 146a.57 for procaine penicillin and streptomycin in oil and procaine penicillin and dihydrostreptomycin in oil, except that dibenzylamine penicillin is used in lieu of procaine penicillin. The dibenzylamine penicillin used conforms to the requirements of § 146a.94 (a) except subparagraphs (2) and (4) of that paragraph.

6. Part 146b is amended by adding the following new section:

§ 146b.120 *Dihydrostreptomycin-streptomycin sulfates with isonicotinic acid hydrazide.* Dihydrostreptomycin-streptomycin sulfates with isonicotinic acid hydrazide conforms to all requirements and is subject to all procedures prescribed by § 146b.113 for dihydrostreptomycin-streptomycin sulfates, except that:

(a) It contains not less than 100 milligrams of isonicotinic acid hydrazide for each 0.5 gram of dihydrostreptomycin-streptomycin sulfates. The isonicotinic acid hydrazide used has a purity of not less than 98 percent and has a melting point of not less than 169° C. and not more than 172° C.

(b) In lieu of the directions prescribed by § 146b.113 (c), it shall be labeled in accordance with the requirements prescribed by § 146b.101 (c) except that each package shall bear on the outside wrapper or container and the immediate container the number of grams of dihydrostreptomycin, the number of grams of streptomycin and the number of grams of isonicotinic acid hydrazide, and the expiration date shall be 18 months after the month during which the batch was certified: *Provided, however* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(c) In addition to complying with the requirements of § 146b.113 (d) a person who requests certification of a batch shall submit with his request a statement showing the number of grams of isonicotinic acid hydrazide in each package, and in case of an initial request for certification, a sample consisting of approximately 5.0 grams of the isonicotinic acid hydrazide used in making the batch.

(d) The fee for the services rendered with respect to the sample of isonicotinic acid hydrazide submitted in accordance with the requirements prescribed therefor by this section shall be $4.00.

7. In § 146e.411 *Bacitracin-neomycin ointment* * * * subparagraph (2) of paragraph (a) is amended by changing the period at the end thereof to a comma and adding the following new clause:

" except that the blank may be filled in with the date which is 24 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that such drug as prepared by him is stable for such period of time."

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: March 15, 1954.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 54-2018; Filed, Mar. 19, 1954; 8:51 a. m.]

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

ANIMAL FEED CONTAINING ANTIBIOTICS

Under authority provided in the Federal Food, Drug, and Cosmetic Act (secs. 502 (1) 507 (c) 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409; 21 U. S. C. 352 (1) 357 (c) 67 Stat. 18) I find that the requirements of sections 502 (1) and 507 of the act with respect to animal feed containing chlortetracycline and certain other designated drugs, when used for the prevention or treatment of diseases of poultry, and conspicuously so labeled, are no longer necessary to insure safety and efficacy of such drugs when used for such purposes, and hereby promulgate the following amendments exempting such drugs from the requirements:

Section 146.26 *Animal feed containing penicillin* * * * is amended in the following respects:

1. Paragraph (h) is amended by changing the last sentence to read: "If it is intended for use solely in poultry, it may contain 0.1 percent of para-aminobenzoic acid or the sodium or potassium salt of para-aminobenzoic acid, or if it is intended for continuation of coccidiosis prevention it shall contain, in the amount specified, one of the ingredients prescribed by paragraph (b) of this section."

2. Paragraph (m) is amended by changing the words "and it contains 0.0056 percent nitrofurazone" to read "and it contains, in the amount specified, one of the ingredients prescribed by paragraph (b) of this section"

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it would be against public interest to delay providing for the aforesaid amendments, and since it conditionally releases existing requirements.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 502, 52 Stat. 1050, as amended, sec. 507, 59 Stat. 463, as amended, 67 Stat. 389; 21 U. S. C. 352, 357)

Dated: March 15, 1954.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 54-2019; Filed, Mar. 19, 1954; 8:52 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII-6, Amdt. 2]

DMO VII-6—EXPANSION GOALS

MISCELLANEOUS AMENDMENTS

Defense Mobilization Order VII-6 dated December 3, 1953, (18 F R. 7876) and Amendment 1 dated January 29, 1954, (19 F R. 855) are further amended as follows:

Expansion Goal No. 25, Hydrofluoric Acid is hereby transferred from List II, Suspended to List I, Closed.

Expansion Goal No. 215, Titanium Melting Facilities, delegate agency changed from GSA to Commerce.

This amendment shall take effect on March 20, 1954.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING, *Director*

[F. R. Doc. 54-2041; Filed, Mar. 18, 1954; 4:13 p. m.]

Chapter XVI—Agricultural Marketing Service, Department of Agriculture

[Defense Food Order 2, Sub-Order 3; Termination]

DFO 2—PROCESSED FRUITS AND VEGETABLES: SET-ASIDE REQUIREMENTS

SO 3—CANNED FRUITS AND CANNED VEGETABLES: SET-ASIDE REQUIREMENTS

TERMINATION

It is hereby found and determined that the provisions of Sub-Order 3 (18 F R. 2409) issued pursuant to Defense Food Order 2, as amended (16 F R. 3345, 4981) with respect to the canned fruits and canned vegetables of the 1953 production required to be set aside and reserved for procurement by Government agencies pursuant to Defense Food Order 2, do not now appear necessary or appropriate to promote the national defense; and this termination order is, therefore, hereby made effective. During the administration of Defense Food Order 2, Sub-Order 3, there were frequent consultations with industry representatives relative to its operations. To the extent practicable in the formulation of this order, there has been informal consultation with industry representatives, and consideration has been given to their recommendations.

Summary of termination order The effect of this action is to terminate the requirement that processors continue to set aside designated canned foods for procurement by Government agencies. In addition, all canned foods that are currently set aside and reserved under Sub-Order 3 are released by this order.

Regulatory provisions. Defense Food Order 2, Sub-Order 3 (18 F R. 2409) is hereby terminated effective 12:01 a. m., e. s. t., April 1, 1954. With respect to violations, rights accrued, liabilities incurred, or appeals taken with respect to said Defense Food Order 2, Sub-Order 3 prior to the effective time of the provisions hereof, all provisions of said Defense Food Order 2, Sub-Order 3 shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, liability, or appeal: *Provided*, That any canned food set aside pursuant to said Defense Food Order 2, Sub-Order 3 is hereby released.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. Sup. 2154)

Done at Washington, D. C., this 17th day of March 1954.

[SEAL] S. R. SMITH, *Director Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 54-2023; Filed, Mar. 19, 1954; 8:53 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 1—GENERAL RULES AND REGULATIONS

PART 20—SPECIAL REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Paragraph (i) of § 1.4 *Fishing* is amended to read as follows:

(i) The canning or curing of fish for the purpose of transporting them out of a park or monument is prohibited except in Isle Royale National Park, where a fisherman is permitted to salt down one day's catch and remove them from the Park.

2. Section 20.38 *Isle Royale National Park* is amended to read as follows:

§ 20.38 *Isle Royale National Park*—(a) *Sport fishing, inland lakes and streams.* (1) The open season for fishing shall be as follows:

Brook trout, rainbow trout, brown trout, steelheads, and lake trout (Mackinaw trout), last Saturday in April to Labor Day, inclusive.

Muskellunge, northern pike, walleyed pike, and yellow perch, 1st of May to November 1st, inclusive.

(2) *Catch limits.* The maximum catch per person per day shall be as follows:

Brook trout, rainbow trout, brown trout, and steelheads, a combined total of 10 fish, but not more than 10 pounds of fish and 1 fish.
Lake trout (Mackinaw trout), 5 fish, but not more than 25 pounds of fish and 1 fish.
Northern pike, walleyed pike, and muskellunge, 5 fish of either species.

(3) *Minimum size limits.* Fish of the following sizes shall not be retained but shall be carefully handled with moist hands and returned at once to the water:

Brook trout, rainbow trout, brown trout, and steelheads, under 7 inches in length.
Northern pike and walleyed pike, under 14 inches in length.
Lake trout (Mackinaw trout), under 15 inches in length.
Yellow perch, under 6 inches in length.
Muskellunge, under 30 inches in length.

(4) *Number of fish in possession.* The number of fish in possession shall not exceed the maximum catch per person per day, as indicated herein.

3. Paragraph (a) of § 20.22 *Grand Teton National Park* is amended to read as follows:

(a) *Speed.* Speed of automobiles and other vehicles, except ambulances and Government cars on emergency trips, shall not exceed 35 miles per hour on any of the Park roads unless different speed limits are indicated by posted signs or markers.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 15th day of March 1954.

DOUGLAS MCKAY,
Secretary of the Interior

MARCH 15, 1954.

[F. R. Doc. 54-1991; Filed, Mar. 19, 1954; 8:46 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 944]

UTAH

WITHDRAWING PUBLIC LANDS FOR USE OF ATOMIC ENERGY COMMISSION

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described lands in Utah are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for the use of the Atomic Energy Commission:

SALT LAKE MERIDIAN

T. 25 S., R. 21 E.,
Sec. 28, That part of the NE¼ lying southwest of U. S. Highway No. 160, and NE¼SE¼,
Sec. 27, That part of W½NW¼ lying south of U. S. Highway No. 160, and SW¼.

The areas described aggregate approximately 380 acres.

This order shall take precedence over but shall not otherwise modify the departmental order of September 15, 1939, establishing Utah Grazing District No. 9, and shall be subject to exisitng withdrawals for powersite purposes so far as they affect any of the above-described lands.

It is intended that the lands above described shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

ORME LEWIS,
Assistant Secretary of the Interior.

MARCH 16, 1954.

[F. R. Doc. 54-1989; Filed, Mar. 19, 1954; 8:46 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10444]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICE

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

MARITIME MOBILE RADIOTELEPHONE SERVICE IN BAND 2000–2850 KC

The report and order in the above-entitled proceeding, dated February 10, 1954, should be corrected by making the following change: Under § 8.351 (d) the new subparagraph (14) should be designated as new subparagraph (15).

Released: March 17, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2022; Filed, Mar. 19, 1954; 8:53 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

TOBACCO INSPECTION

ANNOUNCEMENT OF REFERENDUM IN CONNECTION WITH PROPOSED DESIGNATION UNDER TOBACCO INSPECTION ACT OF TOBACCO AUCTION MARKET OF HIGH SPRINGS, FLORIDA

Pursuant to the provisions of The Tobacco Inspection Act (7 U. S. C. 511 et seq.) and in accordance with the applicable regulations (7 CFR 29.74) issued thereunder by the Secretary, notice is given that a referendum of tobacco growers will be conducted from April 15 through April 17, 1954, to determine whether growers favor the designation of the High Springs, Florida, tobacco auction market for free and mandatory inspection of tobacco sold thereon.

Growers who sold tobacco on the aforesaid market during the 1953 marketing season shall be eligible to vote in said referendum. Ballots for use in said referendum will be mailed to all eligible voters insofar as their names and addresses are known. Eligible voters who do not receive ballots by mail may obtain them from (1) the county agent at Gainesville, Florida; (2) the office of the county Agricultural Stabilization and Conservation committee at Gainesville, Florida; or (3) the office of the Chamber of Commerce, City Hall, High Springs, Florida.

All completed ballots shall be mailed to the Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, P. O. Box 549, Raleigh, North Carolina, and, in order to be counted in said referendum, must be postmarked not later than midnight, April 17, 1954.

Done at Washington, D. C., this 17th day of March 1954.

[SEAL] ROY W. LENNARTSON,
Deputy Administrator.

[F. R. Doc. 54-2024; Filed, Mar. 19, 1954; 8:53 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 8333]

STANDARD BROADCAST STATIONS

STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING DAYTIME SKYWAVE TRANSMISSIONS

In the matter of promulgation of rules and regulations and Standards of Good Engineering Practice Concerning Daytime Skywave Transmissions of Standard Broadcast Stations; Docket No. 8333.

1. The above-entitled proceeding was instituted May 8, 1947, to determine the existence and extent of skywave transmissions of standard broadcast stations during daylight hours and to formulate necessary changes in the Commission's rules and regulations and Standards of Good Engineering Practice in light of the evidence adduced.

2. The ultimate question here presented is whether the data compiled in the record in this proceeding with respect to skywave transmissions during daytime hours on standard broadcast radio frequencies established that stations receive an adequate or sufficient

degree of protection from interference from such sources in the light of our basic allocation[1] objectives (see paragraphs 5–6, infra) and in the event that they do not, whether the Commission's rules and standards should be revised to accord such a degree of protection. A brief discussion of basic allocation and interference problems, and of the Commission's approach to them in the standard broadcast field is necessary to an understanding of the specific considerations raised by the instant proceeding.

BACKGROUND

3. There is no rule of law or section of the Communications Act which affords broadcast stations protection against "interference" as that term may be defined in the abstract without reference to the Commission rules, regulations and standards. Section 303 (f) of the act provides in pertinent part that the Commission shall "make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations." In this section Congress has delegated to the Commission the authority to determine the extent to which broadcast and other radio stations shall be protected against interference and, necessarily the concomitant authority to determine the extent to which interference between broadcast and other radio stations shall be permitted to exist. The delegation is broad and leaves within the Commission's discretion, subject to the criterion of the public interest, convenience and necessity, not only the determination of what degree of interference between stations shall be considered excessive but also the methods by which such excessive interference shall be avoided.

4. Whenever two or more radio stations operate simultaneously on the same or closely adjacent frequencies, each will interfere to some extent with reception of the other. Depending upon many factors, but principally the distance between the stations, the power radiated, and the time of operation, the interference may be so slight as to be undetectable within any area where any station produces a usable signal or may be so severe as virtually to destroy the entire service area of all of the stations. The importance of the last factor listed—time of operation—results from the two fundamental modes of propagation of radio signals at standard broadcast frequencies. At these frequencies propagation of radio signals consists of groundwave and skywave. As is generally known, groundwave transmission is more restricted in its coverage but of a steadier nature than skywave transmission, which, being a reflected signal from the ionosphere (an imperfectly reflecting medium) reaches far wider areas. To provide a good grade of skywave service over large areas requires a high power station with a tall antenna, and most important from the viewpoint of this proceeding, operation at night. For at standard broadcast frequencies there is a significant difference between the propagation of radio signals during daytime and nighttime hours: This difference is so consistent and so marked that it is possible to assign a great many more stations to a single frequency daytime than nighttime without excessive interference resulting between stations. At night, however, skywave signals; though continuously varying in intensity, are very much stronger and are capable of providing a useful service, particularly in thinly populated areas, and also of causing severe interference to other services. Thus, an optimum utilization of a frequency daytime might not be optimum at night, and vice versa.

5. In the formulation of basic rules and standards governing the assignment of stations the Commission must determine the point at which on an over-all basis the resulting interference may become so severe as to outweigh the advantages to be gained by assigning additional stations to the available frequencies. But sound rules effectuating such an optimum balance can only be achieved on the basis of postulated objectives and means for its implementation.

6. Following are the general objectives sought to be achieved by the Commission's rules and Standards Governing the Assignment of Standard Broadcast Stations:[2]

(a) To provide some service to all listeners or, what amounts to the same thing, to provide some service to all areas;

(b) To provide as many services or program choices to as many listeners as possible;

(c) To provide service of local origin to as many listeners as possible.

7. With these objectives in view the Commission classified the standard broadcast band of frequencies into classes of channels. Since 1938 this classification has comprised clear channels on which there are assigned relatively few stations, protected from interference to such an extent that their nighttime skywave renders valuable service over wide areas; and two other classes, regional channels, and local channels, on which there are assigned numerous stations that are necessarily protected from interference to a degree insufficient to permit satisfactory wide-area service at night by means of skywave. The clear channels thus are designed primarily to provide service to all areas; the regional and local channels are designed to achieve the other two aims, i. e., provision of the maximum number of facilities and local outlets.

8. As a further step in the realization of the assignment objectives the Commission designated the following main or primary classes of stations for operation on these channels:

(a) Class I–A and I–B stations to operate on clear channels in order to provide service to very extensive areas in furtherance of the objective of rendering some service to all listeners or all areas.[3]

(b) Class III stations to operate on regional channels primarily in order to provide service to large urban areas.

(c) Class IV stations to operate on local channels primarily in order to provide multiple services to small communities.

9. In addition to these main or primary classes of stations the Commission has provided another group of stations, designated as Class II, for operation on clear channels where such operation can be conducted without undue prejudice to the objectives sought to be achieved by operation of Class I stations on these channels. Such stations are in this sense secondary stations. The ability to assign Class II stations is derived from the weakness of daytime skywave transmissions (see paragraph 4, supra) On the clear channels, daytime only,[4] limited-time stations[5] or unlimited-time Class II stations may be assigned which must either cease operation at sunset to protect the I–A station or in the case of the I–B clear channels, employ directional arrays or reduce power or cease operation for the protection of I–B or other Class II stations.

10. In order to effectuate the objectives of the standard broadcast service within the framework of the channel and station structure erected, it is essential to decide the degree or amount of protection from interference to be accorded stations and also the means for determining whether interference, as defined, exists or would exist by a contemplated assignment at any given time and place. The Commission therefore specified the authorized powers for the several classes of stations and with one exception[6] specified the service contour to which stations will normally be protected against "objectionable interference." The Commission did not leave the determination of the existence or absence of objectionable interference within such normally protected contours to an ad hoc application on a case-to-case basis of current engineering theory and subjective value judgments. Rather, it defined

[1] The term "allocation" as used herein means generally the determination of how a frequency or group of frequencies are to be utilized. More specifically, it involves the determination of the frequency, power, location, and hours of operation of radio stations.

[2] It must be noted that the limitations on possible assignments resulting from the scarcity of frequencies render the full realization of these objectives inconsistent with each other.

[3] As defined by § 3.25 of the rules and section 1 of the Standards, a Class I station "is a dominant station operating on a clear channel and designed to render primary and secondary service over an extended area and at relatively long distances" interference protection and power requirements are also spelled out here. Class I–A stations operate on frequencies on which no other nighttime operation is permitted.

[4] A daytime-only authorization "permits operation of the secondary station during the hours between average monthly local sunrise and average monthly local sunset" (§ 3.23 (a)).

[5] A limited-time authorization "permits operation of the secondary station during daytime and until local sunset if located west of the dominant station on the channel, or if located east thereof, until sunset at the dominant station, and in addition during night hours, if any, not used by the dominant station or stations on the channel" (§ 3.23 (b)),

[6] Class IV stations operating on local channels receive no specified protection but only that which results from application of the daytime allocation rule.

exactly what was meant by the term "objectionable interference" and, further, specified methods of determining by calculation or measurement whether, in any particular case, objectionable interference as defined would, for purposes of determining whether a particular station assignment should be made, be considered to exist. Such definition and specification are essential in the interests of orderly and effective allocation and require the exercise of expert judgment based on experience and technical "know-how." For the ability of an individual listener to tolerate without annoyance unwanted and extraneous sounds in reproduced music or speech is subjective and varies not only with the listener but also with the circumstances under which the listening is being done and the nature of the program material listened to. Also, in many instances, the ability of radio receivers to reject unwanted signals is not a constant but varies markedly with the design of the particular receiver. In addition, the strength and quality of transmitted signals, both desired and undesired, vary with the time of day, time of the year, ionospheric conditions, soil conductivity, atmospheric and man-made electrical noise, and many other factors, some of which are not even yet fully understood or susceptible to evaluation. Station assignments cannot be changing constantly to adjust to these changes in transmission. Accordingly, in making station assignments, the determination of what signal is produced by a certain transmitter at any given point is one which can only be approached on an at least partially statistical basis. We must deal with averages and norms rather than actualities, because the actualities are constantly changing and are, moreover, not susceptible to exact prediction.

11. In the 1938 allocation hearings the Commission defined what is meant by interference and its prescribed the specific means for determining whether it exists. First, it conducted certain tests to determine appropriate ratios of desired to undesired signals. Upon the basis of these tests, a ratio of 20 to 1 desired to undesired signal was adopted as the co-channel standard ratio interference. The Commission determined that the service area of a Class I station should be protected during the day to the 100 uv/m contour and designated this contour as the "normally protected contour."[7] At night the usually vastly larger secondary or skywave service is to be protected. Since it is the skywave transmission which is involved, there was the question of what is meant by "protection" of the skywave service. Since skywave propagation results in widely and rapidly fluctuating values, it is apparent that it is practical to "protect" the service areas of stations from skywave interference only from signals which achieve a specified intensity for certain percentages of time; the Commission decided to afford protection against signals which exceed the specified interference ratio 10 percent or more of the time. Study of the basic skywave measurements demonstrated lesser values of transmitted fields prior to the second hour after sunset and somewhat greater values after this hour. The Commission determined upon transmission conditions at the second hour after sunset as best representing nighttime conditions for allocation purposes. As a result, the present skywave curves show average field intensities at varying distances which can be expected to be exceeded for certain percentages of time by skywave transmission at the second hour after sunset at the receiving point. These curves, used for nighttime allocation, are drawn for a radiated field of 100 mv/m at one mile on the horizontal plane from a 0.311 wavelength antenna which was the average electrical height of the stations measured.

12. We come now to the most important decision from the viewpoint of the present proceeding, namely, the point in time at which nighttime protection to the Class I station's service area begins. Since it appeared that high power stations utilizing relatively tall antennas could provide a good grade of skywave service over large areas at night but because of much poorer skywave propagation could not serve such large areas in the day, a proper utilization of clear channels required the Commission to permit assignment of many, generally lower powered, Class II or secondary stations on these channels during the day. But simultaneous operation of these stations at night would have resulted in such interference as to render the service of all virtually worthless. Therefore, in order to preserve the very purpose for which Class I stations were allocated, the Commission required Class II stations to take such measures at night as are necessary for the protection of the secondary service area of the Class I station. Thus, the time when such protection commences is of great importance. For nightfall is not an instantaneous phenomenon. This is particularly true when there is under consideration not a point on the earth's surface, but the path between two radio stations which may be separated by a number of degrees of longitude. Further, and of critical importance, the change in ionospheric conditions that results in the marked change in the behavior of radio waves propagated over long distances is also not instantaneous. To the contrary, there is a period starting approximately two hours before sunset and continuing for two hours after sunset during which skywave transmission gradually builds up. A similar gradual deterioration of skywave transmission takes place during the transitional hours of the sunrise period. Faced with this situation, the Commission determined that daytime allocation policy should be followed until sunset[8] and that nighttime allocation policy should be followed from sunset until sunrise.

13. As a result of this determination, Class II stations were required to refrain from operation after sunset[8] on Class I–A frequencies and required to cease operation or to utilize lower power or directional antennas or both on I–B frequencies. Similarly, stations on regional channels were required to cease operation, reduce power or utilize directional antennas at local sunset to protect other co-channel stations. All computations of interference regardless of the hour with respect to sunset are computed in accordance with the second hour after sunset curves. This decision was reached only after thorough study of available data which showed the gradual build up or deterioration of skywave transmissions in the transitional periods of sunset and sunrise. The selection of sunset and sunrise as the delineation points between daytime and nighttime allocation policy was made in the light of that data and the objectives sought to be achieved. (See paragraphs 5 and 6, supra; paragraph 33, infra.)

HISTORY OF SUBJECT PROCEEDING

14. In the years following 1939, the Commission granted applications for standard broadcast facilities in accordance with the foregoing policy on skywave transmission during transitional daylight hours. During the same period, considerable progress was made in the development of transmitter antennas and associated equipment; and the number of stations operating on the standard broadcast band increased enormously. The effect of this increased utilization of the band on the Commission's daytime skywave policy was called to the Commission's attention in 1947. In that year, affidavits were filed with the Commission alleging that serious interference was being caused to the service areas of clear channel stations from the operation of Class II stations during daylight hours by the ionospheric propagation of their signals.[10] The Commission, in the light of those complaints and its increased knowledge concerning skywave propagation, recognized the need for a re-evaluation of the problems arising during

[7] We believe it appropriate here to point out that the data utilized by the Commission to establish rules and standards is constantly under review and where new data become available, the rules and standards are revised accordingly. For example, soil conductivity is one of the most important parameters in groundwave propagation. Since it was believed impractical if not impossible to make a prior determination by measurements of the precise values of soil conductivity through the United States, a conductivity map was prepared which was based upon the best information available. While certain provisions were made in the Standards for the taking of groundwave measurements in allocations and calling attention to frailties of the map, a large segment of our assignments have been upon the basis of this map. After having reviewed field intensity data filed with the Commission since the map was prepared, we have noted many inadvertent errors in values shown thereon which we have now corrected (see Docket 10604).

[8] Depending on the particular type of Class II station (that is, limited time or daytime only), the reference point of "sunset" may be either local sunset or sunset at the dominant station on the channel (see notes 4 and 5, supra).

[9] See footnote 8.

[10] Appeals alleging injury through such interference were taken to the United States Court of Appeals for the District of Columbia; in one such case an order was issued by that Court staying the effectiveness of a construction permit issued by the Commission.

transitional hours. Accordingly, on May 9, 1947, the Commission adopted the subject notice of proposed rule making.

15. In accordance with the Commission's notice, a hearing was duly held on June 4, 5, and 6, 1947, before a Board of Commissioners.[11] There was submitted in evidence certain technical data and testimony relating to ionospheric propagation of signals in the standard broadcast band during an extended period which included daylight and transitional hours. Various suggestions as to rules and standards relative to this matter were submitted by parties to the proceeding.

16. On December 4, 1947, the Commission consolidated the subject proceeding with the Clear Channel proceeding (Docket 6741) because "the problems involved in Docket 8333 are also involved in Docket 6741" and "the evidence in Docket 8333 has already been incorporated by reference in Docket 6741." Oral argument was heard by the Commission in these proceedings.

17. With the institution of the clear channel proceeding, the Commission imposed a partial "freeze" on daytime only and limited time applications (see 1946 Public Notices 89273, 95034, and 96934) Following the issuance of the Notice of Proposed Rule Making in Docket 8333, the Commission stated that as a matter of policy it would withhold action, pending the decision in Docket 8333, on all applications proposing new or increased daytime-only facilities on the clear channels. By Commission Order of December 4, 1950, this policy was codified as footnote 10a to § 1.371 of the Commission's rules and regulations. This policy allowed the processing of, and the Commission did in fact continue to process, applications proposing new full-time stations or changes in existing full-time stations on the clear channels. It was thought at the time this policy was adopted that a valid ground for distinguishing between applications involving full-time stations and applications involving daytime-only facilities existed. It was believed that the making of daytime-only assignments, which might not conform to new rules which might later be adopted as a result of the proceeding in Docket 8333, could well render such new rules nugatory or necessitate extensive reassignments or deletions of stations. However, since the Commission believed that full-time stations were required to afford other stations a higher degree of nighttime protection than could reasonably be expected to be required by a decision in Docket 8333, it felt that authorizations for full-time operation might readily be conformed to whatever new rules might be adopted. This, it believed, could be accomplished by modifying these authorizations to require the use during some or all of the daytime hours of the antenna and power specified for use during nighttime hours.

18. The Commission, on August 11, 1953, revised footnote 10a so as to "freeze" the processing of applications by existing full-time Class II stations proposing certain types of operations (see paragraph 38, infra) and those for new unlimited-time stations on clear channels which would operate differently in the daytime from the operation proposed to be used nighttime. The Commission's Order pointed out that "further authorization of such stations may render difficult the proper formulation and effectuation of any new rules which might be adopted as the result of this proceeding, because such stations may incur financial and contractual commitments in reliance on their extended daytime coverage * * * and may develop a listening audience in the extended area * * * which might be discommoded by an future withdrawal of that service * * *"

19. At the same time, the Commission severed the subject proceding from the clear channel proceeding, stating that a separate decision in the former is feasible and could be obtained more quickly than if left consolidated; the Commission's Order referred to the procedural freeze in footnote 10a as demonstrating the necessity for an early decision and stated that it would "proceed to decide the daytime skywave proceeding with as much dispatch as is practicable."

RESOLUTION OF PROCEEDING

20. Since the adoption of our standard broadcast allocation standards in 1939, there has been considerable progress in the field of radio, including, of course, the intense utilization of the standard broadcast band. Concomitant with this progress has been the advancement in measurement and evaluation techniques, the accumulation of additional technical data, and as a result, better understanding of propagation phenomena. The record in the subject proceeding, and on an even broader basis in the clear channel proceeding, reflects this increased knowledge.

21. With respect to skywave transmission, a Commission witness introduced the tabulated results of 6 years of recordings made at its monitoring stations on certain clear channel stations over 17 transmission paths from which certain families of curves were developed. These curves show, for the extremes and the center of the broadcast band, 10 percent field intensities versus distance, at various hours before and after local sunset for east-west and north-south paths. According to the record, the curves are also appropriate for use with respect to hours before and after sunrise where, for example, the curve for one hour after sunset (SS+1) could also be used for one hour prior to sunrise (SR—1) By use of these or similarly developed curves based on the same data, various parties to the proceeding demonstrated the degree of interference experienced by certain Class I stations within their normally protected contours from the operation of Class II stations in the transitional periods between daylight and dark.[12]

22. The record reveals that certain Class II daytime assignments, made in accordance with our groundwave allocation rules, cause interference during particular periods at the beginning and end of the day. The interference depicted was to the operation of several of the Class I stations and was given in terms of 10 percent of the days in a transmission year like 1944.[13] An example of the most severe interference was that caused by an operation formerly authorized on 1530 kc at Philadelphia, Pennsylvania, to the operation of WCKY, Cincinnati, Ohio. WCKY is a Class I-B station and one of the two dominant stations on the frequency. The station is therefore normally protected during the day to its 0.1 mv/m groundwave contour by co-channel stations. The record reveals that at sunrise at Philadelphia, at which time the Class II station commenced operation, WCKY was limited to its 6.95 mv/m groundwave contour and thus suffered interference to about 96 percent of its normally protected service area, an hour later to its 1.68 mv/m contour or 87 percent of this area, 2 hours later to its 0.45 mv/m contour or 64 percent of the service area, and that in the third hour interference within the 0.1 mv/m contour ceased until the approach of sunset.[14] At about 2 hours prior to sunset at Philadelphia, interference again invaded WCKY's normally protected contour an hour later it extended to the 0.51 mv/m contour, thus interfering with 66 percent of its normally protected service area, and 2 hours later—sunset at Philadelphia and therefore, sign-off time for the Philadelphia station—to the 2.55 mv/m contour or in 90 percent of the area. The skywave service which WCKY was otherwise capable of rendering was substantially impaired in these periods. Another example demon-

[11] Commissioner Rosel H. Hyde and former Commissioners Ray C. Wakefield and Clifford J. Durr.

[12] With respect to the statistical treatment given certain data submitted in the processing, some question was raised regarding the median field intensity for the hour in which sunset occurs. Data for this hour was taken beginning one-half hour before and ending one-half hour after sunset, on the theory that the instantaneous field at the moment of sunset is fairly given by the field intensity which is exceeded during one-half of the time of this hour interval. The objection made is not that this technique is inexact but that it is inappropriate to employ values taken after sunset, which increase the median value, in view of the fact that daytime stations cease operation at sunset. But the method used is clearly appropriate since the situation is one involving widely varying instantaneous field and thus, the taking of a single measurement at the moment of sunset cannot supply a representative value. The lower fields in the portion of the interval prior to sunset tend to compensate the higher fields after sunset. Finally, we note that the challenge to this statistical technique is unsupported by any expert evidence.

[13] The data introduced was related to Figure I-A of Commission Standards which in turn is representative of a transmission year like 1944, a year of minimum activity which is favorable to skywave transmission.

[14] The limitation figures employed here are estimates set out in evidence submitted by WCKY. Showings based upon the Commission's analysis of the data set forth in FCC Exhibit No. 1 reveal the limitations to be somewhat more severe than indicated by WCKY's analysis of skywave data taken on a path between Cincinnati and Baltimore in the years 1942–1944, inclusive. We have used the lower figures because of the absence of any map exhibits showing the effects of the higher limitations from which percentages can be estimated.

strating the seriousness of transitional period interference involves Station KOA, Denver, and KFUO, a limited-time station in Clayton, Missouri. Beginning at 2½ hours prior to sunset at Denver, interference to the groundwave service of KOA grows until at sign-off at Clayton, KOA is limited to its 2.8 mv/m groundwave contour or to approximately 80 percent of the area within its normally protected contour. The record contains other similar examples of interference to Class I stations.[15]

23. We have examined the interference shown and have concluded that Class I stations are not, in fact, receiving an adequate degree of protection from interference during the early morning and late afternoon hours in the light of our existing standard broadcast allocation theory. Here we wish to emphasize again that that theory condoned a certain degree of interference during the transitional period as necessary if the secondary Class II service was to be effectively promoted. But as demonstrated by the WCKY-Philadelphia case, the subject record does reveal that the interference during the transitional hours may reach such a point as to undermine seriously the operation of the Class I station during a fairly substantial and important segment of the broadcast period. As shown earlier, that type of operation is critical to the fulfillment of a major allocation objective, that of providing some service to all areas of the country. We therefore believe that the record supports a readjustment of the conflicting interests of the Class I and Class II services with respect to daytime skywave transmission so that the original and still applicable purpose of our allocation plan may be carried out.

24. It is to be stressed that it is that original purpose which controls here. For it would be obviously inappropriate in this proceeding to make any basic change in fundamental allocation policy. Changes as to the purpose and consequently the overall protection to be given the various classes of stations depends on the policy judgment to be made in the clear channel proceeding and, therefore, can only be effected in that proceeding. Here we should point out that we recognize any revision of our present rules and standards to effectuate more fully our present allocation plan by taking into account new data available may need further revision either of a slight or radical nature—depending on the extent of the basic changes made in the clear channel proceeding. In view of the present status of that proceeding and the pertinent policy considerations previously described, we believe that revision of the rules and standards with respect to daytime skywave transmission is clearly called for at this time, in spite of this possibility of further revision.

25. The question is presented whether we should amend the rules so as to afford greater protection from daytime skywave interference to all classes of stations. For it is clear that the ionosphere supports propagation regardless of the type of channel or the class of station operating thereon. We believe, however, that such protection should be accorded Class I stations only. We are persuaded to this limitation by several reasons: First, the record dealt to a large extent with interference to Class I stations; while it is clear that other stations suffer daytime skywave interference, there is no evidence in this record as to the seriousness of such interference. Further, the factor compelling the subject revision is the necessity of providing some service to all areas or people. The transmissions of Class I stations are not intended to be substantially or drastically limited by interference from other stations. On the other hand, it is intended by your present standards that Class II, III, and IV stations be limited by interference in order to accommodate the many assignments needed to afford multiple services and outlets for local expression.

26. We come now to the form of the revision which should govern the disposition of applications for new and changed facilities. Clearly, a great number of alternative revisions of the rules and standards looking toward the implementation of our basic allocation objectives are possible. In the light of these objectives we have determined upon standards based upon the propagation conditions at the second hour after sunrise and the second hour before sunset, designed to reduce the interference which may be caused to Class I stations; these standards restrict radiation in the direction of Class I stations in the two-hour time segments after sunrise and before sunset. We decided to utilize the propagation conditions proposed herein after considering and rejecting possible alternative bases. For example, we considered a rule based on propagation conditions at sunset and also a rule based on propagation conditions at one hour before sunset. Applying these limitations to the WCKY-Philadelphia situation where the problem has been raised most seriously, we find that the former standard would permit a radiation of 8 mv/m in the direction of WCKY, while the latter would restrict radiation towards WCKY to 25 mv/m. Both these limitations would thus appear to be too severe in view of our over-all objectives and have therefore been rejected. It is our view that the revisions of our rules which are here proposed strike a reasonable balance between the diverse and sometimes conflicting objectives of a radio service in the public interest.

27. Applying the proposed rule to the WCKY-Philadelphia situation, we find that it would permit a radiation of 125 mv/m. This is in contrast with 840 mv/m permitted by the present groundwave rule and thus authorized by the Commission. We are of the opinion that the second hour rule meets our objective—that it will provide considerable assurance against skywave interference in the frequency range where such interference is most effective and yet will not unduly handicap the Class II station. We are aware that such a rule condones a considerable amount of interference in the transitional periods but believe that this interference should be tolerated in view of the over-all objectives.

28. We have also considered the possibility of applying the second hour curve to the entire period from local sunrise to local sunset: And we have rejected this possibility since it would be severely restrictive to the Class II station without affording corresponding benefits to the Class I station. For it would supply greater than the standard degree of protection for the period between two hours after sunrise and two hours prior to sunset. Indeed, the protection rendered in the center of the day would be to signal levels of approximately 15 uv/m, which generally do not constitute an acceptable grade of service. The service thus protected would be virtually useless to the listener: Protection of such low intensity signals contravenes the underlying principles of the Standards of Good Engineering Practice of protecting only listenable signals. Accordingly, we have determined to restrict the second hour curves applicability to 4 daylight hours, from sunrise until 2 hours thereafter and from 2 hours prior to sunset until sunset. For practical purposes the decay of skywave in the morning is symmetrical with the growth of skywave in the evening. Thus, the same radiation restrictions should apply at equal azimuths to the east of north and to the west of north. Further, it appears that the effect of geographic latitude is of minor importance and, therefore, the same radiation values should be permissible at equal azimuths taken from north and from south. We recognize that the same radiation restrictions in morning and evening hours results in a somewhat different degree of protection in these periods. Whether the greater interference occurs in the morning or the evening depends upon whether the interfering station is east or west of the Class I station. For simplicity we have averaged the restrictions necessary to render protection at the second hour after sunrise and the second hour before sunset.

29. The current rule, which is in terms only of groundwave propagation, permits Class I and Class II stations to be assigned at closer spacings at higher frequencies. It now appears on the basis of the record that at higher frequencies skywave interference is greater for a given daytime hour than at lower frequencies. This would require a more restrictive rule at higher frequencies if we are to tend in the direction of equalizing this type of interference across the standard broadcast band. This we believe desirable since higher frequency stations are at some disadvantage in providing groundwave service because of poorer groundwave propagation. Using the propagation curves developed by our staff and introduced in evidence in this

[15] We do not believe any useful purpose would be served by further illustration of the seriousness of the interference suffered during the transitional hours by some Class I stations from the operation of Class II stations. There was also some testimony that interference of a similar nature is caused on other than clear channels. However, the degree, duration and significance of such interference among the stations operating upon these other channels was not adduced since the proceeding primarily centered about clear channel stations.

proceeding, we have prepared permissible radiation curves at each of three frequencies for the second hour before sunset or after sunrise at the station for all azimuthal bearings by determining the radiation necessary to produce 5 uv/m at the 100 uv/m contours at Class I stations at various frequencies, distances and azimuths.[16] In addition, we have prepared a table of interpolation factors to be used for frequencies other than those shown. If adopted, the curves and the table will be incorporated in the Standards of Good Engineering Practice as Appendix II.

30. Our proposed allocation standards would permit radiation towards 0.1mv/m groundwave contours of co-channel Class I stations at or below the values given by these curves in the vertical angles below the pertinent angles[17] in the periods from local sunrise to two hours thereafter and from two hours prior to local sunset to local sunset. These radiation values, however, would be authorized only if they are equal to or less than the values necessary to give protection under our present groundwave rules. The radiation values permitted for other daytime hours would be governed solely by present groundwave rules.. Radiation values for all other hours would be governed by the second hour after sunset curves; other related provisions of our Standards would remain unchanged. We have considered the question of daytime protection of Class I stations from skywave propagation emanating from adjacent channel stations and have concluded that likelihood of occurrence at the second hour is so slight as to require no protection rule regulating this source of interference.

31. It will be observed that the proposed revision would permit unlimited-time stations to utilize three modes of operation during their broadcast activities: daytime, nighttime, and a transitional period mode of operation. If during the transitional period the 100 uv/m contour of the Class I station eligible for protection shifts as a result of a change in power or mode of operation, the permissible radiation of the Class II station in the direction of the Class I throughout both transitional periods will be limited to the lowest value obtained by use of the curves in Appendix II of the Standards of Good Engineering Practice. We would permit power reduction to accommodate the restrictions when the power is consistent with the power requirements for the class of station and coverage requirements of the Standards.

[16] The data in evidence do not support skywave curves beyond distances of 800 to 1,000 miles except by extrapolation which is necessary here. The method adopted was to assume that from 1,000 miles outward the curve runs uniformly below the second hour after sunset curve by the amount by which it falls below at 1,000 miles. We believe this assumption to be a conservative one. Another extrapolation was necessary to cover frequencies between 1500 and 1600 kc and was performed by extrapolating from the 500 kc, 1000 kc, and 1500 kc curves at intervals of 200 miles.

[17] Figure 6a, curve 4, Standards of Good Engineering Practice.

32. A proposed change is also made with respect to the time of operation of limited-time Class II stations. We propose to authorize such stations to operate until local sunset no matter where located.[18] This proposal affects only authorizations for limited-time stations located east of the dominant station on the channel, since such stations were previously authorized to operate until sunset at the dominant station.[19] Such operation involves transmission by the "eastern" station over a path substantially of a nighttime nature and thus extremely conducive to skywave transmission. In view of the proposed action with respect to skywave transmission during transitional daytime hours, the propagation of such signals for periods up to 3 hours after sunset represents an a fortiori case requiring protection from skywave interference. The KOA–KFUO example, described in paragraph 22, supra, illustrates the seriousness of this problem. We recognize that in many instances, a similar argument can be made with respect to the limited-time or daytime-only station located west of the dominant station. But as to such stations there are countervailing considerations which are noted in paragraph 37, infra. The authority to broadcast until local sunset was bestowed under the allocation scheme in order to accord the daytime-only station an adequate period of operation and is thus a compromise of conflicting allocation aims. But no such underlying policy considerations are applicable to the operation of the limited-time station located east of the dominant station until sunset at the dominant station. The skywave interference caused by such a station during its "bonus" hours of operation is not counterbalanced by the consideration that if such operation be withdrawn, the station's daily period of operation will be unduly restricted. Therefore, in keeping with the proposed revision with respect to the transitional hours, it is proposed that limited-time stations located east of the dominant station be required to cease operation at local sunset.

33. It is also proposed to continue the "freeze" on processing daytime-only and limited-time applications on the frequencies specified in § 3.25 (a) and (b) in order not to prejudice the outcome of the clear channel proceeding.

34. Next, there is a question of the revisions' applicability to requests by existing daytime-only and limited-time stations to change their operation or facilities. Footnote 10a to Section 1.371 imposed a freeze upon applications from existing daytime-only and limited-time stations proposing either a change in operation which would result in an increase in radiation towards the normally protected contour of a United States Class I station on the channel or proposing a change in transmitter location which would result in a material reduction in the distances from the station to the normally protected contour of a United States Class I station on the channel. In view of the revisions of our Rules and Standards proposed herein, a freeze of this nature would no longer be necessary and accordingly, this provision of the footnote would be deleted. But again, so as not to prejudice the outcome of the clear channel proceeding, we have decided to freeze all applications from existing daytime-only or limited-time stations on Class I–A channels which seek a major improvement in facilities such as an increase in power or a substantial change in the radiation pattern. We have made this distinction between stations operating on Class I–A channels and those on I–B frequencies because of the far greater involvement of the former channels in the clear channel proceeding. Class II stations on I–B frequencies, which seek a change in facilities are cautioned, however, against extensive changes in antenna systems to meet the criteria here proposed since the decisions made in the clear channel proceeding may render useless antennas so designed.

[18] Under the proposal, the limited-time station could, however, continue to operate during the nighttime hours not used by the dominant station or stations on the channel.

[19] Roughly half of all the limited-time stations presently authorized are located east of the dominant station on the channel.

35. Thus far we have set out our views on the changes which we deem necessary in our rules and standards and the applicability of these changes to applications for new or changed facilities. We are advancing our views in the form of a proposed, rather than a final, Report and Order in view of the lengthy time period which has elapsed since the institution of this proceeding. We believe that the Commission will benefit from the views of interested parties directed to the specific proposals made below and the supporting reasons set out in the foregoing proposed Report.[20] The holding of an oral argument is best suited to effect these purposes, and accordingly, we shall designate an appropriate date in the near future for such an argument. We wish to emphasize that the issues to be considered in that argument will encompass the merits of the proposed report set out in the prior paragraphs and the proposed rules set out in the attached appendix. It will not include the question of applying such revisions to existing Class I or to Class II stations. The procedure with respect to that matter will be taken up in the succeeding paragraphs.

NOTICE OF FURTHER RULE MAKING

36. There remains for our consideration the applicability of the foregoing proposals to existing stations (including both permits and licenses) There are four categories of existing stations to which the proposed revisions may be applicable: (1) Class II daytime only stations; (2) Class II limited time stations; (3) Class II unlimited time stations; and (4) Class I–B stations located east of the other I–B station on the channel and commencing nighttime operation at sunset at the other I–B station.

37. With respect to existing Class II daytime only stations and Class II lim-

[20] Certain other revisions of the Rules and Standards of a minor or editorial nature which can be appropriately made here, have also been proposed.

ited time stations (excluding the "bonus" hour operation of such stations) we do not propose at this time that these stations be required to comply with the proposed standards. Such stations have no directional arrays designed to afford nighttime protection and it would appear to be impracticable to require such arrays at this time in view of the pendency of the clear channel proceeding. The alternative is either reduced power or cessation of operation during the transitional hours. But efficient operation during this period represents a substantial and important segment of the daytime-only broadcaster's activities. Authority to broadcast during the transitional hours was bestowed, under the original allocation scheme, in order to accord the daytime-only station an adequate daily period of operation. Revision of that allocation determination involves policy judgments which we believe can be appropriately made only in the clear channel hearing. In view of that consideration, the disruption of broadcast service which would otherwise result, and the fact that the clear channel proceeding could have a marked effect on the status of the daytime-only and limited-time stations through possible changes in the Class I station allocation, we believe it is undesirable to make the permissible radiation standards here proposed applicable at this time to existing daytime-only and limited-time stations.

38. The Commission believes that the comments of interested parties will be of considerable aid in reaching the proper determination with respect to the applicability of the proposed revisions to the categories of existing stations listed above (See par. 36) We believe written comments will afford the most appropriate procedure for the showings and arguments the parties may desire to make in this connection. As stated above, the determination whether to finalize the proposed revisions will be made following the oral argument on the merits of these revisions. The comments on the further rule making should deal only with the propriety of applying those proposals to existing stations.

39. Any interested party who desires to comment on the question of the applicability of the proposed revisions to existing stations may file with the Commission on or before May 3, 1954, written data, views or arguments setting forth his comments.. Comments in reply to the original comments may be filed within 15 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of time and place of such oral argument will be given.

ORDER

40. We believe it appropriate to consider here the two petitions filed February 26, 1954, by the Daytime Broadcasters Association, Inc. In one petition the Association petitions to dismiss the subject proceeding (Docket 8333) or in the alternative, to "require clear channel stations to be so placed in the United States that a good and sufficient use may be made of the channels so reserved." In support thereof, petitioner alleges the following: (1) Conditions with respect to the number of daytime stations, the basis of programming of all stations, and listening habits, have changed since the initiation of the proceedings; (2) there is now a need for more daytime stations and not for reduction of the service of such stations "by lessening hours or reducing power"· (3) the record made in 1947 covers mainly technical matters without reference to programs rendered; this omission becomes serious in view of the larger number of daytime stations; and (4) the clear channel stations should be relocated so as to actually cover white areas, thus effecting "an efficient use of the necessary channels and [opening up others] for efficient use." [21]

41. We are not persuaded by these arguments to grant the drastic relief sought by petitioner. The daytime-only stations which are involved in this proceeding, i. e., those on the frequencies specified in § 3.25 (a) and (b), have not increased since the initiation of this proceeding because of the "freeze" which was concurrently imposed. The foregoing discussion demonstrates that excepting the "bonus" hours operation of limited-time stations, there is no proposal which would "reduce the service [of such secondary stations] by lessening hours or reducing power." With respect to the Association's other arguments—the necessity for additional daytime stations because of local needs and changed listening habits and the relocation of the clear channel stations to accommodate that necessity, we point out that such arguments are directed to issues of the clear channel docket and not to those of the subject proceeding. As stated more fully in paragraph 24, supra, it would be inappropriate in this proceeding to make any basic changes in fundamental allocation policy. Changes as to the purpose and consequently, the over-all protection to be given the various classes of stations depend on the policy judgments such as those involved in the clear channel proceeding. The narrower purposes of this proceeding, discussed fully in paragraphs 23–25, inclusive, do not encompass the broad policy reformations sought by petitioner. *Accordingly, it is ordered,* That the Association's petition to dismiss the subject proceeding is denied.

42. In its other pleading, the Association has petitioned the Commission "to permit it to appear in the [subject] proceeding." In so far as the Association desires to participate in the oral argument to be held on the proposed report and rules or to file comments on the question of applying those rules to the existing station categories delineated in paragraph 37, the petition is, of course, granted.

43. Authority for the adoption of the proposed amendments is contained in sections 4 (i) 303 (f), and 303 (r) of the Communications Act of 1934, as amended.

Adopted: March 11, 1954.

Released: March 12, 1954.

FEDERAL COMMUNICATIONS COMMISSION,[22]

[SEAL] MARY JANE MORRIS, *Secretary.*

1. Footnote 10a to § 1.371 would be amended to read as follows:

[10a] Pending conclusion of the proceeding in Docket No. 6741, action will be withheld on the following:

(1) Applications proposing new daytime or limited-time assignments on any of the frequencies specified in § 3.25 (a) and (b) of this chapter; and

(2) Applications of existing stations proposing to change frequency to any of the frequencies specified in § 3.25 (a) and (b) of this chapter, where the operation proposed is for daytime only or limited time.

(3) Applications from existing daytime or limited-time stations presently assigned to any of the frequencies specified in § 3.25 (a) of this chapter, proposing major improvements of facilities such as an increase in power or a substantial change of the radiation pattern.

2. Section 3.7 would be revised as follows:

§ 3.7 *Nighttime.* The term "nighttime" means that period of time between local sunset and local sunrise.

3. Section 3.23 (b) would be amended to read:

(b) Limited time is applicable to Class II (secondary stations) on a clear channel upon which the priority of Class I use is assigned exclusively to the United States. It permits operation of the secondary station from local sunrise to local sunset and in addition during night hours, if any, not used by the dominant station or stations on the channel.

4. Section 3.24 of the rules would be amended by the addition of a new paragraph (i), which reads:

(i) That applications specifying the frequencies set forth in § 3.25 (a) and (b) of this chapter shall conform to the daytime radiation restrictions contained in the Standards of Good Engineering Practice (Appendix II) [24]

5. The Standards of Good Engineering Practice Concerning Standard Broadcast Stations would be revised as follows:

A. Delete the Introduction and substitute therefor the following:

INTRODUCTION

There are presented herein the Standards of Good Engineering Practice Con-

[21] Several oppositions to the Association's petitions have also been received and studied by the Commission.

[22] Commissioner Hennock's dissenting statement filed as part of the original document.

[24] Pending the conclusion of the proceeding in Docket 6741, presently authorized daytime and limited-time Class II stations are not required to modify their operations to conform to these daytime radiation requirements.

cerning Standard Broadcast Stations giving engineering standards which set forth the principles of application of stations and define the classes of standard broadcast stations, their purposes, the broadcast service rendered by them, and the degree of protection which they are normally afforded. Thus, there are set forth the requirements as to heights of antennas, the powers and hours of operation for which stations are regularly licensed, and groundwave and skywave propagation curves with other curves and related information. These standards also contain the provisions deemed necessary for the construction and operation of standard broadcast stations to meet the requirements of technical regulations and for operation in the public interest along technical lines not specifically enunciated in the regulations. They also provide certain information which may be of assistance, such as in the selection of transmitter sites. These standards augment the rules and regulations and set forth accepted engineering principles and techniques to be used in station allocation.

These standards are based on the best engineering data available supplied in formal and informal hearings and extensive surveys conducted by the Commission. Numerous informal conferences have been held with radio engineers, manufacturers of radio equipment and others for the guidance of the Commission in the formulation of these standards.

These standards set forth the conditions under which they are applicable. They provide for some flexibility and for the exercise of certain engineering judgments. It should be emphasized, however, that no material deviation from the underlying or fundamental principles will be recognized except through established rule-making procedures.

"Broadcast service" and "interference to such service" are dependent upon so many variable factors that it is essential that terms such as these be defined and that specific methods for determining their values be provided. Thus, "service" varies with the individual listener, the particular circumstances, the nature of the program material, and the ability of the particular radio receiver to reject unwanted signals. Moreover, the strength, utility and nature of the received signals both desired and undesired, may vary with the time of day, time of year, weather conditions, and other factors. Accordingly, in these fields, an approach on a substantially statistical basis is called for: We must rely, therefore, on averages and norms.

It is emphasized that the standards and the rules adopted represent what is believed to be a reasonable balance between the diverse and sometimes conflicting objectives of our basic allocation plan.

The Commission will review these Standards of Good Engineering Practice in order to determine that the objectives of the allocation plan of standard broadcast frequencies are being carried out. Further, these Standards of Good Engineering Practice will also necessarily change as progress is made in the art, and accordingly, it will be necessary to make revisions from time to time. The Commission will accumulate and analyze engineering data available as to the progress of the art so that its standards may be kept current with the developments.

B. Section 1. Engineering Standards of Allocation:

a. Delete the 5th and 6th paragraphs appearing after Table II which begin "Section 3.23 provides that—" and "Section 3.24 sets out—"

b. Insert at the above place the following paragraphs:

Of the several classes of domestic stations, Class I stations only are to be afforded daytime protection from the effects of skywave propagation of radio signals radiated by other domestic Class I or Class II stations but only from assignments on the same channel and in the manner herein described. The service of a Class I station shall be protected from the effects of skywave propagation to that degree which will result from restricting the radiation from each co-channel station to the values obtained by use of the curves and Table in Appendix II, in the arc included between the horizontal and the pertinent angle shown on Curve 4 of Figure 6–A, toward all points on the Class I station's 100 uv/m groundwave contour. This radiation restriction shall obtain only from local sunrise at the transmitting station until two hours thereafter, and from two hours prior to local sunset at the station until sunset. In these transition periods the 100 uv/m contour of the Class I station eligible for protection may shift as a result of a change in power or mode of operation. In that event the permissible radiation for the Class II or other Class I station throughout both transition periods is the lowest value obtained by the use of Appendix II.

The radiation restrictions obtained by the use of Appendix II during the specified periods are applicable regardless of whether the Class I station which is eligible for protection from the effects of such skywave propagation in these periods is so protected by existing stations.

It is expressly recognized that even with these restrictions a Class II station or other Class I station may, during certain daytime periods, produce a 10 percent of the time skywave signal in excess of 5 uv/m within the 100 uv/m groundwave contour of a Class I station.

The extent of primary and intermittent service and the absence or presence and degree of objectionable interference to all classes of broadcast stations during the daytime shall be determined by use of the groundwave field intensity curves in Appendix I. Nighttime service and interference are determined by the use of the appropriate second hour after sunset curves[1a] (Figure 1 or I–A) and the groundwave versus distance curves of Appendix I.

C. Appendix II, consisting of Table I, Figure I–B, Figure I–C, and Figure I–D is added to the Standards.

APPENDIX II—PERMISSIBLE RADIATION FOR CLASS I–B AND CLASS II STATIONS

INTERPOLATION FACTORS FOR FREQUENCIES BETWEEN 500, 1000, AND 1600 KC.

TABLE I

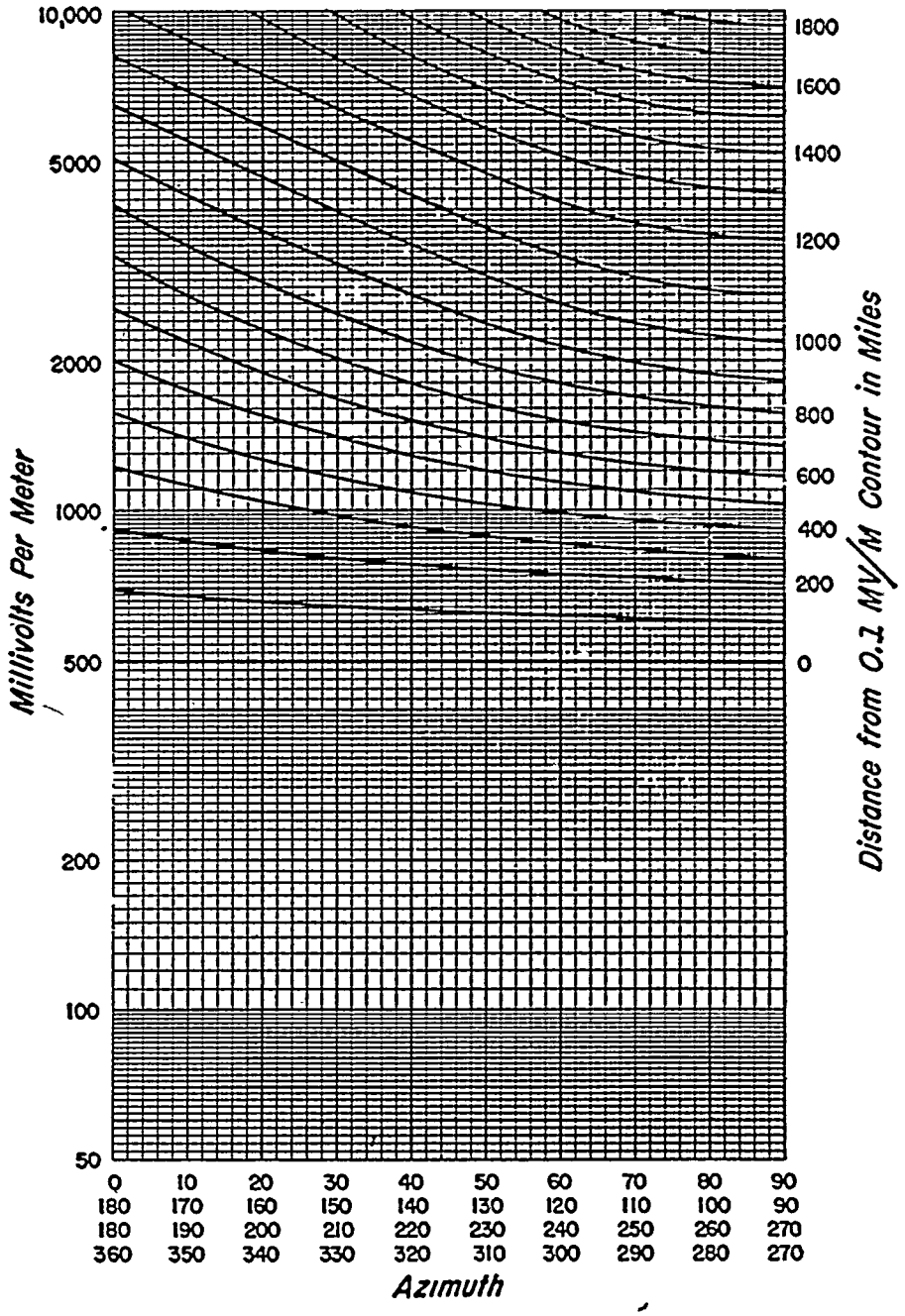
f_{kc}	K_{500}	K_{1000}	f'_{kc}	K'_{1000}	K'_{1600}
640	0.720	0.280	1010	0.983	0.017
650	.700	.300	1020	.967	.033
660	.680	.320	1030	.950	.050
670	.660	.340	1040	.933	.067
680	.640	.360	1050	.917	.083
690	.620	.380	1060	.900	.100
700	.600	.400	1070	.883	.117
710	.580	.420	1080	.867	.133
720	.560	.440	1090	.850	.150
730	.540	.460	1100	.833	.167
740	.520	.480	1110	.817	.183
750	.500	.500	1120	.800	.200
760	.480	.520	1130	.783	.217
770	.460	.540	1140	.767	.233
780	.440	.560	1150	.733	.267
800	.400	.600	1170	.717	.283
810	.380	.620	1180	.700	.300
820	.360	.640	1190	.684	.316
830	.340	.660	1200	.667	.333
840	.320	.680	1210	.650	.350
850	.300	.700	1220	.633	.367
860	.280	.720	1500	.167	.833
870	.260	.740	1510	.150	.850
880	.240	.760	1520	.133	.867
890	.220	.780	1530	.117	.883
900	.200	.800	1540	.100	.900
940	.120	.880	1550	.083	.917
990	.020	.980	1560	.067	.933
			1570	.050	.950
			1580	.033	.967

To determine the permissible radiation at f_{kc} multiply the value of radiation at the proper azimuth and distance from the 500 kc chart by K_{500} and from the 1000 kc chart by K_{1000} (for f'_{kc} use K'_{1000} for the value from the 1000 kc chart and K'_{1600} for the value from the 1600 kc chart). Add the products; the sum is the permissible radiation for the frequency f_{kc} (or f'_{kc}).

[1a] Nighttime skywave interference to local channel stations is, however, computed in accordance with the method described in footnote 3a.

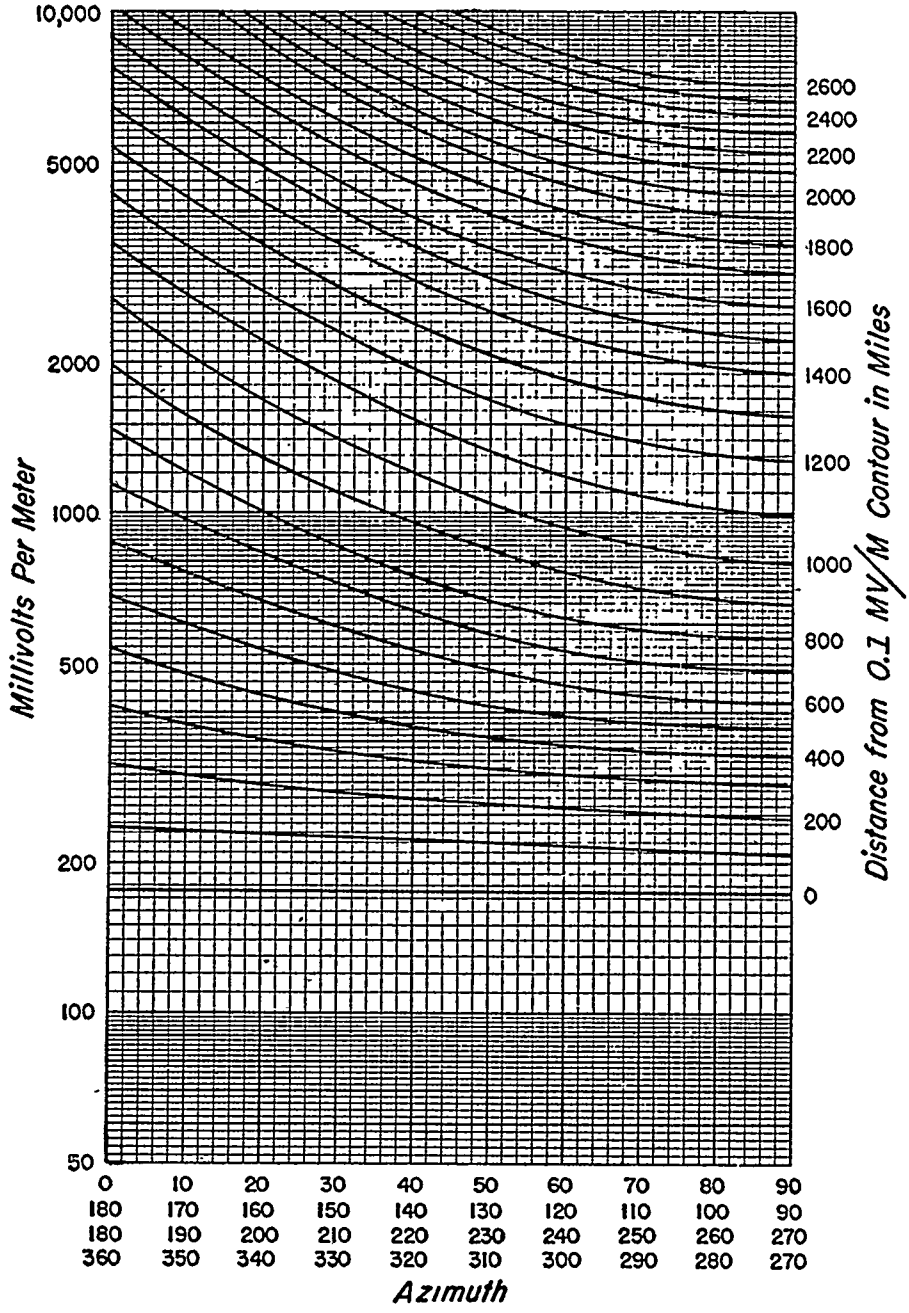
PERMISSIBLE DAYTIME RADIATION
FOR CLASS I-B AND CLASS II STATIONS

FIGURE 1-B 500 KC



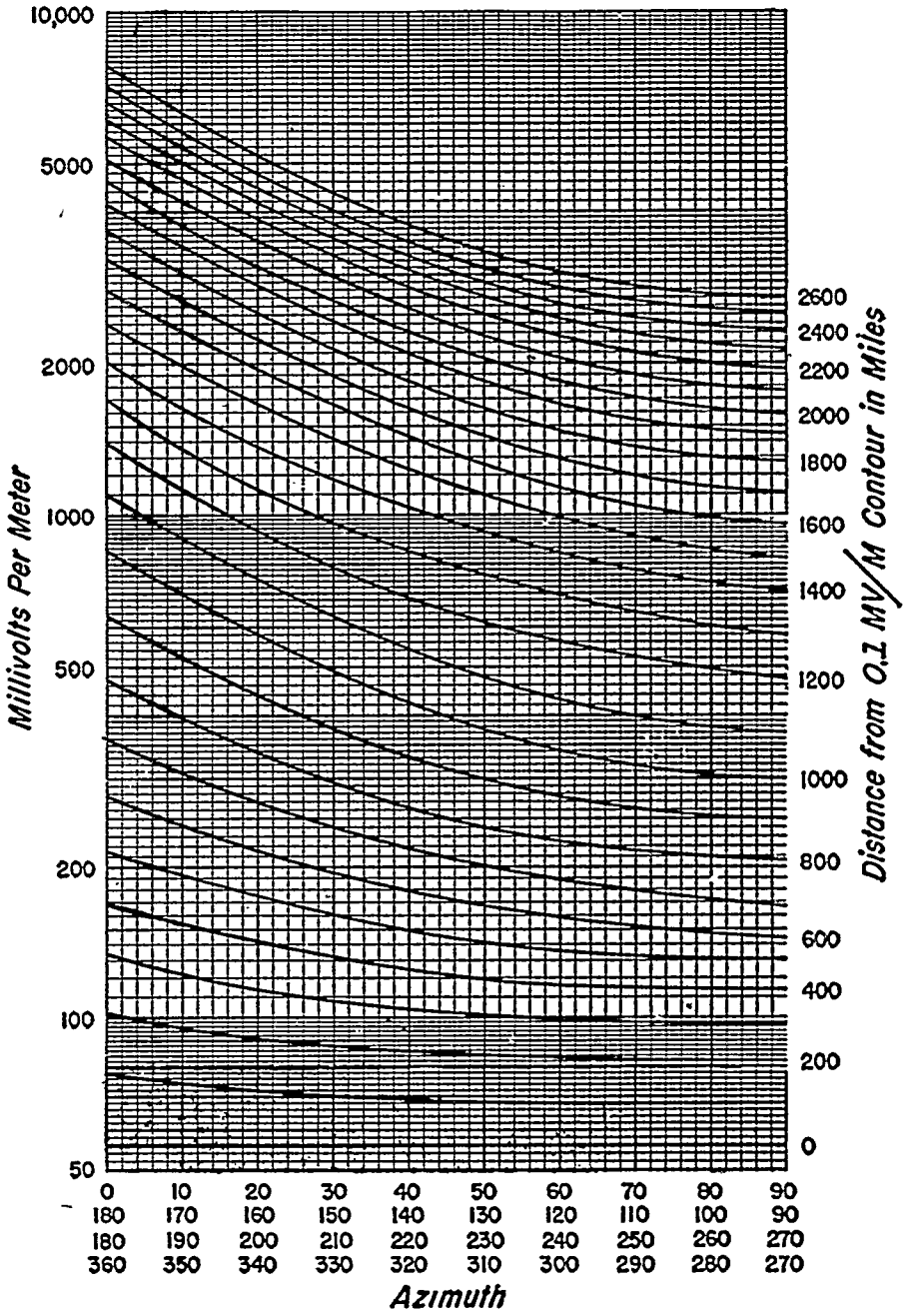
PERMISSIBLE DAYTIME RADIATION
FOR CLASS I-B AND CLASS II STATIONS

FIGURE 1-C 1000 KC



PERMISSIBLE DAYTIME RADIATION
FOR CLASS I-B AND CLASS II STATIONS

FIGURE 1-D 1600 KC



[F. R. Doc. 54-1924; Filed, Mar. 19, 1954; 8:45 a. m.]

NOTICES

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.168, as amended June 2, 1952, 17 F. R. 3818).

Alan Manufacturing, 695 Hazle Street, Wilkes Barre, Pa., effective 3-11-54 to 3-10-55; 10 learners for normal labor turnover purposes (dresses).

Anthracite Shirt Co., 1 South Franklin Street, Shamokin, Pa., effective 4-1-54 to 3-31-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dress and sport shirts).

Ball Bra Manufacturing Co., Inc., Bedford Street, Gelstown, Pa., effective 3-12-54 to 9-11-54; 10 learners for expansion purposes (brassieres).

Ball Bra Manufacturing Co., Inc., Bedford Street, Gelstown, Pa., effective 3-12-54 to 3-11-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (brassieres).

Better Maid Apparel Co., 707 River Street, Peckville, Pa., effective 3-12-54 to 3-11-55; 5 learners for normal labor turnover purposes (dresses).

Blue Bell, Inc., Luray, Va., effective 3-15-54 to 9-14-54; 50 learners for plant expansion purposes (dungarees).

Blue Bell, Inc., Lenoir, N. C., effective 4-1-54 to 3-31-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (dungarees).

E. H. Blum, 1521 Canal Street, New Orleans, La., effective 3-12-54 to 3-11-55; 10 learners for normal labor turnover purposes (dress pants).

Glendale Manufacturing Corp., Glendale Avenue, Biltmore, N. C., effective 3-12-54 to 9-11-54; 30 learners for expansion purposes (ladies' gowns, slips, and pajamas).

Kahn Manufacturing Co., Inc., 150 North Royal Street, Mobile, Ala., effective 4-1-54 to 3-31-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' dress trousers).

Mode O'Day Corp., Fourth and Main, Ottawa, Kans., effective 4-1-54 to 3-31-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' dresses and robes).

Quality Sewn Products, Inc., Royston, Ga., effective 3-27-54 to 3-26-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's sport shirts).

Reliance Manufacturing Co., "Keystone" Factory, Tyrone, Pa., effective 3-27-54 to 3-26-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's work, sport and flannel shirts).

Reynolds Textile Co., 219 South Main Street, Clinton, Mo., effective 3-16-54 to 3-15-55; 10 percent of the total number of factory production workers engaged in the production of ladies' and children's jeans, for normal labor turnover purposes (ladies' and children's jeans).

Reynolds Textile Co., 219 South Main Street, Clinton, Mo., effective 3-16-54 to 3-15-55; 10 percent of the total number of factory production workers engaged in the

production of men's overalls and dungarees, for normal labor turnover purposes (men's overalls and dungarees).

Richard Frocks, Inc., 701 Washington Avenue, Jermyn, Pa., effective 3-12-54 to 3-11-55; 6 learners for normal labor turnover purposes (dresses).

The Richman Bros. Co., Sixth and Main Streets, Sturgis, Ky., effective 4-1-54 to 3-31-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's pants).

Serbian Inc., Fayetteville, Tenn., effective 3-9-54 to 3-8-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (learners are not authorized to be employed at subminimum wage rates in the production of skirts) (ladies' dresses and sportswear).

Southern Manufacturing Co., Fifth and Cedar Streets, Nashville, Tenn., effective 3-9-54 to 3-18-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (work shirts).

Stafford-Hayes, Inc., 502 South State Street, Clarks Summit, Pa., effective 3-26-54 to 3-25-55; 10 learners for normal labor turnover purposes. This certificate does not authorize the employment of learners at subminimum wage rates in the production of skirts (ladies' dresses, blouses, etc.).

Trouser Corp. of America, Meadow Avenue and Maple Street, Scranton, Pa., effective 3-15-54 to 3-14-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's trousers).

Wellington Manufacturing Co., Okolona, Miss., effective 3-15-54 to 9-14-54; 25 learners for plant expansion purposes (men's trousers).

Wentworth Manufacuring Co., Lake City, S. C., effective 3-16-54 to 3-15-55; 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' house dresses).

York Manufacturing Co., Inc., Jeffs, Va., effective 3-8-54 to 3-7-55; 10 learners for normal labor turnover purposes (children's dresses).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952, 16 F R. 12866)

Winston Manufacturing Co., Inc., Haleyville, Ala., effective 3-11-54 to 3-10-55; 5 percent of the total number of factory production workers for normal labor turnover purposes (undergarments and sleepwear).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14)

Brinkley Pearl Works, Brinkley, Ark., effective 3-12-54 to 9-11-54; 5 learners for normal labor turnover purposes. Blank button cutters, 480 hours at 65 cents an hour for the first 320 hours and at least 70 cents an hour for the remaining 160 hours (button blanks).

DeMoulin Bros. & Co., Greenville, Ill., effective 3-12-54 to 3-11-55; 10 learners for normal labor turnover purposes. Machine operators (except cutting), pressers, hand sewers, each 480 hours. At least 65 cents an hour for the first 240 hours and not less than 70 cents an hour for the remaining 240 hours (band uniforms, etc.).

Freeman & Freeman, 229 Franklin Road, Roanoke, Va., effective 3-11-54 to 3-10-55; 5 learners for normal labor turnover purposes. Sewing machine operators, 250 hours at 65 cents an hour (ladies' custom made belts, buckles, buttons).

Richards & Associates, Box 1191, Fort Myers, Fla., effective 3-15-54 to 9-14-54; 10 percent of the total number of factory production workers for normal labor turnover purposes. Sewing machine operator, 480 hours at 65 cents an hour for the first 320 hours and 70 cents an hour for the remaining 160 hours (garment bags, etc.).

Wilkes Barre Cap Manufacturing Co., East Market & South State Streets, Wilkes Barre, Pa., effective 3-12-54 to 3-11-55; 2 learners for normal labor turnover purposes. Sewing machine operators, 240 hours at 65 cents an hour (caps).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER, pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 15th day of March 1954.

MILTON BROOKE,
Authorized Representative of the Administrator

[F. R. Doc. 54-1992; Filed, Mar. 19, 1954; 8:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 9009, 10909]

KFAB BROADCASTING CO. AND HERALD CORP.

ORDER CONTINUING HEARING

In re applications of KFAB Broadcasting Company, Omaha, Nebraska, Docket No. 9009, File No. BPCT-390; Herald Corporation, Omaha, Nebraska, Docket No. 10909, File No. BPCT-1663; for construction permits for new television stations.

The Commission having under consideration a Motion for Continuance filed March 15, 1954, by Herald Corporation, requesting that the hearing in the above-entitled proceeding, now scheduled for March 19, 1954, be continued until 10:00 a. m., Friday, April 2, 1954; and

It appearing that counsel for KFAB Broadcasting Company, as well as counsel for the Chief of the Broadcast Bureau, have waived the 4-day notice requirement of § 1.745 of the Commission's rules and have also consented to the granting of the requested continuance;

It is ordered, This 16th day of March 1954, that the said Motion for Continuance is granted, and that the hearing in this matter, presently scheduled to commence on March 19, 1954, is continued to Friday, April 2, 1954, at 10:00 a. m., in the offices of the Commission at Washington, D. C. Testimony will not be taken at that time and it will not be necessary for witnesses to be present.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2015; Filed, Mar. 19, 1954; 8:51 a. m.]

[Docket Nos. 10907, 10908]

WSAU, INC., AND WISCONSIN VALLEY TELEVISION CORP.

ORDER POSTPONING HEARING DATE

In re applications of WSAU, Inc., Wausau, Wisconsin, Docket No. 10907, File No. BPCT-848; Wisconsin Valley Television Corporation, Wausau, Wisconsin, Docket No. 10908, File No. BPCT-1379; for construction permits for new television stations.

The Commission having heretofore set the hearing conference date in the above-entitled matter as March 19, 1954, and it appearing that the Examiner will still be in hearing on another matter on that date,

It is ordered, This 16th day of March 1954 that the aforesaid hearing conference, pursuant to § 1.841 of the rules, be and it hereby is postponed until 10:00 a. m., e. s. t., Tuesday, March 23, 1954 in the Commission's offices in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54-2016; Filed, Mar. 19, 1954; 8:51 a. m.]

[Docket No. 10956]

MILLER M. DARCE

ORDER TO SHOW CAUSE

In the matter of Miller M. Darce, Aransas Pass, Texas; order to show cause why the license for Radiotelephone Station WC-6339 should not be revoked; Docket No. 10956.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of Station WC-6339, licensed to Miller M. Darce, Aransas Pass, Texas, aboard the vessel "Rio Hondo"

It appearing that notices of violations of the Commission's rules in connection with the operation of the station were given the licensee as follows:

(a) Notice dated October 23, 1953 specifying that at 2218 GMT on October 21, 1953, the transmitter of radio station WC-6339 radiated a strong second harmonic which was a source of interference to the aeronautical radio service on 5476 kc and a violation of § 8.108 of the Commission's rules.

(b) Notice dated November 4, 1953 specifying that at 2022 GMT on October 30, 1953, the transmitter of radio station WC-6339 radiated a strong second harmonic which was a source of interference to the aeronautical radio service on 5476 kc and a violation of § 8.108 of the Commission's rules and that during the operation of this radio station as aforesaid the operator thereof failed to properly identify the station by transmitting the call sign WC-6339 as required by § 8.364 of the Commission's rules.

It further appearing that, despite further notices calling attention to the foregoing notice of violations and the failure to reply thereto in accordance with

§ 8.601 (a) of the Commission's rules, no explanation or other response has been received from the licensee;

It further appearing that at 1545 GMT on January 25, 1954, and at 1642 GMT on February 15, 1954, the Commission's Monitoring Station, Kingsville, Texas, observed that the transmitter of radio station WC–6339 was still radiating a strong second harmonic which was capable of causing interference to the Aeronautical Radio Service on 5476 kc and a violation of § 8.108 of the Commission's rules:

It is ordered, This 12th day of March 1954, pursuant to the provisions of section 312 (c) of the Communications Act of 1934, as amended, that the said Miller M. Darce, Aransas Pass, Texas, show cause why the aforementioned license should not be revoked and appear and give evidence in respect thereto at a hearing[1] to be held before this Commission at Washington, D. C., on the 18th day of May 1954;

It is further ordered, That the Secretary send a copy of this order by Registered Mail—Return Receipt Requested to the said Miller M. Darce, Box 1026, Aransas Pass, Texas.

Released: March 15, 1954.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F. R. Doc. 54–2017; Filed, Mar. 19, 1954; 8:51 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

UTAH

NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR THE USE OF THE ATOMIC ENERGY COMMISSION[2]

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C. In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

ORME LEWIS,
Assistant Secretary of the Interior.

MARCH 16, 1954.

[F. R. Doc. 54–1930; Filed, Mar. 19, 1954; 8:46 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the order to show cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to this order within the above-mentioned thirty (30) day period or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

[2] See Title 43, Chapter I, Appendix, PLO 944, *supra.*

SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3204]

LOUISIANA POWER & LIGHT CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING AUTHORIZATION AND ISSUE AND SALE OF NEW SERIES OF PREFERRED STOCK BY PUBLIC-UTILITY COMPANY

MARCH 16, 1954.

Louisiana Power & Light Company ("Louisiana"), a public-utility company and a subsidiary of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 thereunder regarding the following proposed transactions:

Louisiana now has outstanding 60,000 shares of 4.96 percent cumulative preferred stock, par value $100 per share, the entire amount of preferred stock authorized by its Certificate of Incorporation. Louisiana proposes to amend said Certificate so as to authorize 70,000 shares of an additional series of preferred stock to be known as Second Series Preferred Stock (its presently outstanding preferred stock to become known as First Series Preferred Stock), par value $100 per share. Each series of Louisiana's preferred stock will rank pari passu and have identical characteristics, except as to the number of shares of each series, the distinctive designation, dividend rate, date of payment of dividends, the date from which such dividends shall commence to accumulate, and the amount or amounts payable upon redemption thereof.

Louisiana proposes to obtain the consent of Middle South Utilities, Inc., the holder of all of its common stock, the only class of stock entitled to vote thereon, for authorization of the Amendment to Louisiana's Certificate of Incorporation and for the authorization of the proposed new series of preferred stock.

Louisiana proposes to issue and sell, pursuant to Rule U-50, the proposed 70,000 shares of Second Series Preferred Stock in order to provide a portion of the funds needed for its 1954 construction program, estimated at approximately $19,000,000, and for other corporate purposes. The dividend rate, to be a multiple of 1/25 of 1 percent, and the price to be paid to the company for the new series of preferred stock, to be not less than $100 or more than $102.75 per share, plus accrued dividends, will be fixed by proposals to be publicly invited by the company.

The fees and expenses to be incurred in connection with the issue and sale of said preferred stock, except underwriting discounts and commissions, are estimated by Louisiana as follows:

Federal stamp tax	$7,700
Filing fee—S. E. C.	719
Fees of transfer agent and registrar	1,750
Fees of company's counsel:	
Monroe & Lemann	7,000
Reid & Priest	7,000
Fees of independent counsel for underwriters (to be paid by underwriters) Winthrop, Stimson, Putnam & Roberts	5,000
Auditor's fees: Haskins & Sells	2,500
Printing and engraving	15,700
Miscellaneous	9,631
	57,000

Declarant has advised that no State or Federal regulatory agency, other than this Commission, has jurisdiction over any of the proposed transactions.

Louisiana requests that the Commission's order herein be issued pursuant to Rule U-23 of the rules and regulations under the act, waives the 30-day waiting period, and requests that said order become effective upon issuance.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisons of the act and rules promulgated thereunder are satisfied, and it appearing to the Commission that the estimated fees and expenses are not unreasonable, provided they do not exceed the amounts estimated, and that the declaration should be permitted to become effective:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 54–2000; Filed, Mar. 19, 1954; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–2381]

COLORADO-WYOMING GAS CO.

NOTICE OF APPLICATION

MARCH 16, 1954.

Take notice that Colorado-Wyoming Gas Company (Applicant), a Delaware corporation, with its principal place of business in Denver, Colorado, filed, on March 2, 1954, an application for a cer-

tificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of lateral lines and meter stations to supply the following localities with natural gas:

Initial Service to: Rocky Mountain Natural Gas Company, a proposed customer of Applicant, for resale to the towns of Munn and Wellington, Colorado.

Increase supply to: Public Service Company of Colorado for resale to the towns of Brighton, Broomfield, North Westminster, La Porte and Fort Lupton, Colorado.

Construct new metering station at: Greeley, Colorado, to serve the Greeley Gas Company, an existing customer of Applicant.

Applicant also proposes to sell certain facilities, at Greeley Colorado, to the Greeley Gas Company.

The total cost of the lines and meters is estimated by Applicant to be $158,345 and the total cost of facilities to be retired including those to be sold is estimated to be $24,817.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with its rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 5th day of April 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1993; Filed, Mar. 19, 1954; 8:47 a. m.]

[Docket No. G-264]

CENTRAL NATURAL GAS CORP.

NOTICE OF ORDER DISMISSING APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MARCH 16, 1954.

Notice is hereby given that on March 12, 1954, the Federal Power Commission issued its order adopted March 10, 1954, dismissing application for a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1994; Filed, Mar. 19, 1954; 8:47 a. m.]

[Docket No. G-2254]

LAKE SHORE PIPE LINE CO.

NOTICE OF ORDER APPROVING PROPOSED SETTLEMENT AND ALLOWING TARIFF REVISIONS TO TAKE EFFECT

MARCH 16, 1954.

Notice is hereby given that on March 15, 1954, the Federal Power Commission issued its order adopted March 12, 1954, approving proposed settlement and allowing tariff revisions to take effect in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1995; Filed, Mar. 19, 1954; 8:47 a. m.]

[Docket Nos. ID-1093, ID-1209]

LEO F. CHAMBERS AND CHARLES S. BOWDEN

NOTICE OF ORDERS AUTHORIZING APPLICANTS TO HOLD CERTAIN POSITIONS

MARCH 16, 1954.

In the matters of Leo F Chambers, Docket No. ID-1093; Charles S. Bowden, Docket No. ID-1209.

Notice is hereby given that on March 12, 1954, the Federal Power Commission issued its orders adopted March 10, 1954, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1996; Filed, Mar. 19, 1954; 8:48 a. m.]

[Project No. 482]

GILA VALLEY POWER DISTRICT

NOTICE OF ORDER ACCEPTING SURRENDER OF LICENSE (TRANSMISSION LINE)

MARCH 16, 1954.

Notice is hereby given that on March 12, 1954, the Federal Power Commission issued its order adopted March 10, 1954, accepting surrender of license (Transmission Line) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1997; Filed, Mar. 19, 1954; 8:48 a. m.]

[Project No. 637]

WASHINGTON WATER POWER COMPANY

NOTICE OF ORDER GRANTING REQUEST FOR WITHDRAWAL OF APPLICATION FOR AMENDMENT OF LICENSE (MAJOR)

MARCH 16, 1954.

Notice is hereby given that on March 12, 1954, the Federal Power Commission issued its order adopted March 10, 1954, granting request for withdrawal of application for amendment of license (Major) in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1998; Filed, Mar. 19, 1954; 8:48 a. m.]

[Project No. 2092]

PORTLAND GENERAL ELECTRIC CO.

NOTICE OF ORDER EXTENDING PERIOD OF PRELIMINARY PERMIT

MARCH 16, 1954.

Notice is hereby given that on March 15, 1954, the Federal Power Commission issued its order adopted March 10, 1954, in the above-entitled matter, extending period of the preliminary permit from April 30, 1954, to and including April 30, 1955.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 54-1999; Filed, Mar. 19, 1954; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 29019]

GRAIN FROM OKLAHOMA AND TEXAS TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Grain, grain products, and related articles, carloads.

From: Points in Oklahoma and Texas.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, I. C. C. No. 4096.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Secretary.

[F. R. Doc. 54-2001; Filed, Mar. 19, 1954; 8:48 a. m.]

[4th Sec. Application 29020]

FORMALDEHYDE FROM BISHOP, TEX., TO NEWARK, N. J.

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Formaldehyde, liquid, in tank-car loads.

From: Bishop, Texas.

To: Newark, N. J.

Grounds for relief: Competition with rail carriers, circuitous routes and competition with motor, motor-rail, or motor-water carriers.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 320.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2002; Filed, Mar. 19, 1954; 8:48 a. m.]

[4th Sec. Application 29021]

SCRAP IRON FROM ALLEGAN, MICH., TO MANSFIELD, OHIO

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by H. R. Hinsch, Alternate Agent, for carriers parties to schedule listed below.

Commodities involved: Scrap iron and steel, carloads.

From: Allegan, Mich.

To: Mansfield, Ohio.

Grounds for relief: Competition with rail carriers, circuity, and to maintain grouping.

Schedules filed containing proposed rates: Chesapeake and Ohio Railway Company, I. C. C. No. 13099, supp. 83.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2003; Filed, Mar. 19, 1954; 8:49 a. m.]

[4th Sec. Application 29022]

PETROLEUM COKE FROM CHICAGO AND LOCKPORT, ILL., TO ONTARIO, CANADA

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by H. R. Hinsch, Alternate Agent, for carriers parties to schedules listed below.

Commodities involved: Petroleum coke, coke breeze and coke screenings, and pitch coke.

From: Chicago and Lockport, Ill.

To: Niagara Falls, Ont., and other points in Ontario, Canada.

Grounds for relief: Rail competition, circuity and competition with water carriers.

Schedules filed containing proposed rates:

Carrier	I. C. C. No.	Supplement No.
Atchison, Topeka and Santa Fe Ry.	14535	14
Baltimore and Ohio RR	21045	34
Chesapeake and Ohio Ry	13168	152
Chicago South Shore and South Bend RR	210	9
Elgin, Joliet and Eastern RR	2333	13
Erie RR	A-7507	7
Grand Trunk Western RR	A-35	13
Gulf, Mobile and Ohio RR. (W. T. L. Publication Agent W. J. Prueter)	A-3723	84
New York Central RR	1209	61
New York, Chicago and St. Louis RR	6185	21
Pennsylvania RR	3105	43
Wabash RR	7073	24

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2004; Filed, Mar. 19, 1954; 8:49 a. m.]

[4th Sec. Application 29023]

SAND FROM ILLINOIS TO LEXINGTON, KY.

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for carriers parties to schedule listed below.

Commodities involved: Sand, carloads.

From: Millington, Oregon, Sheridan, Wedron, Ottawa and Utica, Ill.

To: Lexington, Ky.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 784, supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2005; Filed, Mar. 19, 1954; 8:49 a. m.]

[4th Sec. Application 29024]

LIVESTOCK FROM SAVANNA, ILL., TO THE SOUTH

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for carriers parties to schedules listed below.

Commodities involved: Livestock, carloads.

From: Savanna, Ill.

To: Points in southern territory.

Grounds for relief: Competition with rail carriers, circuity, and to maintain grouping.

Schedules filed containing proposed rates: R. G. Raasch, Agent, I. C. C. No. 776, supp. 27; R. G. Raasch, Agent, I. C. C. No. 784, supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or

formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2006; Filed, Mar. 19, 1954; 8:49 a. m.]

[4th Sec. Application 29025]

COTTON RUGS AND BATH MATS, FROM, TO, AND BETWEEN POINTS IN SOUTHWEST

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedules listed below.

Commodities involved: Cotton rugs and bath mats, carload and less-than-carloads.

Territory: Between points in southwestern territory, also between points in southwestern territory, on the one hand, and points in Kansas-Missouri territory, gateways territory, southern territory and adjacent points, on the other.

Grounds for relief: Competition with rail carriers, circuitous routes and to maintain grouping.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, I. C. C. No. 4020, supp. 67; F. C. Kratzmeir, Agent, I. C. C. No. 3987, supp. 105.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2007; Filed, Mar. 19, 1954; 8:49 a. m.]

[4th Sec. Application 29026]

SALT CAKE FROM LOUISVILLE, KY., TO FLORIDA PORTS

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Salt cake (crude sulphate of soda), carloads.

From: Louisville, Ky.

To: Cantonment, north Pensacola, and Port St. Joe, Fla.

Grounds for relief: Competition with rail carriers, circuitous routes and competition with water, or water-rail carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1062, supp. 142.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 54-2008; Filed, Mar. 19, 1954; 8:49 a. m.]

[4th Sec. Application 29027]

PAPER AND RELATED ARTICLES FROM BEVERLY, TENN., TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Paper and related articles, including paper boxes and pulpboard, carloads.

From: Beverly, Tenn.

To: Points in official and Illinois territories.

Grounds for relief: Rail competition, circuity, to maintain grouping, to apply rates constructed on the short line distance formula and additional origin.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1349, supp. 45.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F. R. Doc. 54-2009; Filed, Mar. 19, 1954; 8:50 a. m.]

[4th Sec. Application 29028]

PULPBOARD AND FIBREBOARD FROM JACKSONVILLE, FLA., TO NEW YORK, N. Y., AND VICINITY

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Pulpboard and fibreboard, carloads.

From: Jacksonville and south Jacksonville, Fla.

To: Brooklyn and New York, N. Y., Jersey City, N. J., and other points in New Jersey and New York.

Grounds for relief: Rail competition, circuity, competition with water, or water-rail carriers, and competition with motor, mortor-rail, or motor-water carriers.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1349, supp. 45.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F. R. Doc. 54-2010; Filed, Mar. 19, 1954; 8:50 a. m.]

[4th Sec. Application 29029]

BITUMINOUS COAL FROM PENNSYLVANIA, MARYLAND AND WEST VIRGINIA TO HARRISBURG, PA., DISTRICT

APPLICATION FOR RELIEF

MARCH 17, 1954.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by C. W Bom, Agent, for carriers parties to schedules listed below.

Commodities involved: Bituminous coal, cannel coal and coal briquettes, carloads.

From: Mines in Pennsylvania, Maryland and West Virginia, etc.

To: Harrisburg, Camp Hill, Lemoyne, Steelton, Rutherford and Howell, Pa.

Grounds for relief: Competition with rail carriers, circuity and market competition.

Schedules filed containing proposed rates: B. & O. R. R., I. C. C. No. 3090, supp. No. 13; P & L E. R. R., I. C. C. No. 3490, supp. No. 21, P & W V Ry., I. C. C. No. 59, supp. No. 5; W. Md. Ry., I. C. C. No. 8722, supp. No. 96; P. R. R. AA, I. C. C. No. 2500, supp. No. 115.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F. R. Doc. 54-2011; Filed, Mar. 19, 1954; 8:50 a. m.]

[No. 31437]

EASTERN BITUMINOUS COAL ASSOCIATION ET AL. V. BALTIMORE AND OHIO RAILROAD CO. ET AL.

ASSIGNING TIME FOR HEARINGS, PRESCRIBING SPECIAL RULES DIRECTING INTERCHANGE OF PREPARED MATERIAL PRIOR TO HEARINGS, AND RECORDING STIPULATION

It appearing, that upon consideration of the record made in the above-entitled proceeding at the prehearing conference held at Washington, D. C., on February 24, 1954;

It further appearing, that the hearings in this proceeding are to be conducted jointly with the hearings assigned by the Pennsylvania Public Utility Commission in its Docket No. C-16031,

And it further appearing, that the parties have entered into a stipulation that, in lieu of producing copies of the defendants' annual reports filed with this Commission, the parties may incorporate into the record, by specific reference, any portions of such annual reports, and that the Examiner and the Commission, in the consideration and preparation of their reports, may refer to and consider in evidence any overall revenue and expense figures of said defendants contained in said annual reports, and for good cause appearing therefor:

It is ordered, That this proceeding be, and the same is hereby, assigned for hearing on June 8, 1954, at 8:30 o'clock a. m., U. S. s. t. (9:30 o'clock a. m., District of Columbia daylight saving time), and for further hearing on November 29, 1954, at 9:30 o'clock a. m., U. S. s. t., at the office of the Interstate Commerce Commission, Washington, D. C., before Examiner Oren G. Barber;

It is further ordered, That the following special rules shall be applicable herein:

1. *Prepared statement interchange before hearings.* Except as hereinafter provided, the parties shall prepare in writing the testimony of their witnesses and serve upon all other parties, shown on the list later to be issued pursuant to rule 4 hereof, copies thereof together with any exhibits they intend to offer in evidence. All direct testimony and exhibits shall be served by complainants, and interveners supporting complainants, on or before April 26, 1954. The service of all direct evidence by the defendants, interveners supporting defendants, and all other interveners, except those hereinafter specifically provided for, shall be made on or before October 25, 1954. Interveners Bethlehem Steel Company, The Chesapeake and Ohio Railway Company, Norfolk and Western Railway Company, the Virginian Railway Company, Property Owners' Committee, and Virginia State Port Authority may serve their direct testimony and exhibits on or before November 16, 1954. The service of testimony and exhibits by all parties in rebuttal of such direct evidence shall be made on or before November 16, 1954, except that rebuttal of direct evidence served by said interveners on November 16, 1954, may be introduced orally or in written form at the hearing on November 29, 1954. Two copies of all testimony and exhibits served pursuant to this rule shall also be mailed to Examiner Oren G. Barber, Interstate Commerce Commission, Washington 25, D. C., and one copy thereof to Mr. Lloyd Benjamin, Chief Counsel, Pennsylvania Public Utility Commission, North Office Building, Harrisburg, Pa. No other copies thereof need be filed with either commission prior to the hearing at which the material is to be tendered in evidence.

2. *Hearings restricted.* Except for good cause shown, the hearing herein provided on June 8, 1954, shall be confined to the receipt in evidence of the direct testimony and exhibits which shall have been served by the complainants and the interveners supporting complainants on April 26, 1954, and to the cross examination of witnesses offering such testimony and the hearing herein provided on November 29, 1954, shall be confined to the receipt in evidence of all other testimony and exhibits which will be served or introduced in accordance with the provisions of rule 1 hereof, and to the cross examination of the witnesses offering said testimony.

3. *Participation limited.* Any person whose intervention has not heretofore been granted and who desires to intervene herein, shall, not later than April 1, 1954, file a petition for leave to intervene in accordance with Rule 72 of the general rules of practice; and the subsequent reception of evidence, except as good cause therefor shall otherwise be shown at the hearings, will be limited to complainants, defendants, and parties who shall have been permitted to intervene pursuant to petitions filed not later than April 1, 1954.

4. *Notification of desire to be served with testimony and exhibits.* Any party desiring to be served with exhibits and testimony as hereinbefore provided, must notify the Secretary of the Interstate Commerce Commission on or before April 5, 1954, of such desire, indicating the number if more than one copy is desired. Thereafter, a list of parties upon whom such service should be made will be compiled, and a copy thereof served upon all parties.

5. *General specifications.* Prepared statements shall conform to Rule 15 of the general rules of practice in respect to style, mimeographing or printing, etc. Evidence offered should be prepared carefully with conciseness and clarity and so as to avoid extraneous, immaterial, and irrelevant matter, and undue cumulation of testimony upon any point. The statements should be factual in character. Argument should not be incorporated in the testimony. If not so limited the prepared statement may be excluded in whole or in part. Also the Commission on its own motion or on objection may exclude a statement or any portion thereof which is (a) not material or relevant to the questions presented in the proceeding, or (b) obviously incompetent.

6. *Verification; relief from cross examination and personal appearance.* There is no requirement that a prepared statement shall have an affidavit attached, but this does not preclude attaching an affidavit to the prepared statement. If the latter is done the following, or its equivalent, should appear in the margin on the top of the first sheet of the statement:

This statement is verified. Unless written request for cross examination is received by affiant or his attorney not later than (June 1, 1954, or November 22, 1954, as the case may be) affiant desires that the statement be considered for incorporation in the record without his personal appearance as a witness.

A witness making such a request and thereafter receiving a demand for cross examination must personally report at the hearing, or his verified statement may not be received. If there is no demand for cross examination as above provided (indiscriminate demands for cross ex-

amination should be avoided) the privilege of cross examination will be deemed to be waived if the statement is verified and the witness making the statement has requested to be relieved from personal appearance as above provided. It will be presumed that a witness preparing an unsworn statement intends personally to appear at the hearing for cross examination and to be sworn at that time. An unsworn statement will be admitted only if the affiant is personally present at the hearing. The original signed and notarized copy of a verified statement should be retained by affiant or his counsel for incorporation of the statement into the record at the appropriate hearing.

7. *Oral evidence limited.* Implementing oral evidence to correct errors or to supply inadvertent omissions in prepared statements is permissible, but direct or rebuttal evidence, except rebuttal evidence permitted under Rule 1 to be filed at the hearing on November 29, 1954, not previously interchanged in writing as herein provided, may not be admitted except as good cause therefor shall be shown at the hearings.

8. *How admitted to the record.* To become a part of the record it is necessary for the witness, or some one qualified to represent him, formally to offer the prepared statement in evidence at the hearings; and unless good reason shall otherwise appear, the statement will be admitted as an exhibit.

9. *Materiality reserved.* A prepared statement received in evidence with or without objection as to its admissibility is subject to subsequent challenge as to the weight to be accorded to the facts in such statement.

10. *Witness examination.* The examination of a witness should be conducted in a manner so as to make it rapid, distinct, and as little annoying to the witness as is consistent with eliciting the facts, and to this end counsel on the same side of an issue should agree upon one person to examine a witness.

11. *Due dates defined.* All dates specified in these rules are the latest dates on which the parties in the performance of an act contemplated by these rules may make deposit in the mails, except (a) as to any date respecting which there is an express provision otherwise, and (b) any date therein provided for the filing of a petition with, or dispatch of notification to, the Commission shall be governed by the provisions of Rule 4 (b) of the general rules of practice, namely, receipt in the Commission and not the date of deposit in the mails shall be determinative.

And it is further ordered, That in addition to service hereof upon all parties of record, a copy hereof also shall be filed with the Director, Division of the Federal Register.

Dated at Washington, D. C., this 12th day of March A. D. 1954.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2012; Filed, Mar. 19, 1954; 8:50 a. m.]

[Ex Parte MC-47]

U. S. GOVERNMENT FREIGHT

TRANSPORTATION BY CONTRACT CARRIERS BY MOTOR VEHICLE

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 2d day of March A. D. 1954.

Upon consideration of a petition of the Contract Carrier Conference of American Trucking Associations, Inc., and a reply of the Regular Common Carrier Conference of American Trucking Associations, Inc., and good cause appearing therefor:

It is ordered, That a rule-making proceeding be, and it is hereby, instituted by the Commission, Division 2, to determine whether, and the extent to which, contract carriers by motor vehicle should be granted relief from the provisions of section 218 (a) of the Interstate Commerce Act, and the Commission's rules and regulations promulgated thereunder with respect to the filing of schedules or minimum charges for transportation performed under contracts with the United States Government, and to take such other action in the premises as the facts and circumstances shall appear to warrant.

It is further ordered, That the proceeding be, and it is hereby, assigned for hearing before Examiner Michael B. Driscoll at 8:30 o'clock a. m., U. S. S. T. (9:30 o'clock a. m., District of Columbia daylight saving time), on the 18th day of May A. D. 1954, at the office of the Interstate Commerce Commission, Washington, D. C.

And it is further ordered, That notice of this proceeding shall be given to carriers and the general public by posting a copy of this order in the office of the Secretary of this Commission in Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

By the Commission, Division 2.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 54-2013; Filed, Mar. 19, 1954; 8:50 a. m.]